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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DR. RUPA BALA,

Plaintiff,

vs.

Case No.: 3:18-CV-00850-HZ

OREGON HEALTH AND SCIENCE
UNIVERSITY, an Oregon public
corporation; DR. CHARLES HENRIKSON,
an individual; DR. JOAQUIN CIGARROA,
an individual,

Defendants.

REMOTE STREAMING DEPOSITION OF

PETER GLICK, PH.D.

TAKEN ON
WEDNESDAY, JANUARY 10, 2024
10:04 A.M.

4941 RIVERMOOR DRIVE
OMRO, WISCONSIN 54963

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<p>1 APPEARANCES BY VIDEOCONFERENCE</p> <p>2</p> <p>3 Appearing on behalf of the Plaintiff:</p> <p>4 STEPHEN BRISCHETTO, ESQUIRE</p> <p>5 Brischetto Law Offices</p> <p>6 621 SW Morrison Street, Suite 1025</p> <p>7 Portland, OR 97205</p> <p>8 (503) 645-3794</p> <p>9 (503) 274-8575 (Fax)</p> <p>10 slb@brischettolaw.com</p> <p>11 -and-</p> <p>12 MATTHEW C. ELLIS, ESQUIRE</p> <p>13 Matthew C. Ellis, PC</p> <p>14 1500 SW 1st Avenue, Suite 1000</p> <p>15 Portland, OR 97201</p> <p>16 (503) 345-5497</p> <p>17 matthew@employmentlawpdx.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXAMINATION INDEX</p> <p>2 Page</p> <p>3</p> <p>4 EXAMINATION BY MS. BRADFORD 9</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
3	5
<p>1 APPEARANCES BY VIDEOCONFERENCE</p> <p>2 (CONTINUED)</p> <p>3</p> <p>4 Appearing on behalf of the Defendants:</p> <p>5 MEGAN S. BRADFORD, ESQUIRE</p> <p>6 ANDREA H. THOMPSON, ESQUIRE</p> <p>7 Stoel Rives, LLP</p> <p>8 760 SW 9th Avenue, Suite 3000</p> <p>9 Portland, OR 97205</p> <p>10 (503) 224-3380</p> <p>11 (503) 220-2480 (Fax)</p> <p>12 megan.bradford@stoel.com</p> <p>13</p> <p>14 Also Present:</p> <p>15 Emily Shults, Deputy General Counsel, Oregon Health &</p> <p>16 Science University</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXHIBITS INDEX</p> <p>2 Exhibit Page</p> <p>3</p> <p>4 1 EXPERT WITNESS 26</p> <p>5</p> <p>6 2 REPORT ON STEREOTYPING BIAS 33</p> <p>7 AND DISCRIMINATION</p> <p>8</p> <p>9 3 REPORT ON STEREOTYPING BIAS 34</p> <p>10 AND DISCRIMINATION</p> <p>11</p> <p>12 4 AMBIVALENT SEXISM INVENTORY 74</p> <p>13</p> <p>14 5 JOURNAL OF PERSONALITY AND 80</p> <p>15 SOCIAL PSYCHOLOGY 2004</p> <p>16</p> <p>17 6 JOURNAL OF ORGANIZATION 90</p> <p>18 BEHAVIOR 2017</p> <p>19</p> <p>20 7 JOURNAL OF MANAGEMENT 114</p> <p>21</p> <p>22 8 PSYCHOLOGICAL BULLETIN 2016 123</p> <p>23</p> <p>24 9 INTERNATIONAL JOURNAL FOR 157</p> <p>25 EQUITY IN HEALTH ARTICLE</p>

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<p>7</p> <p>1 REMOTE STREAMING DEPOSITION OF</p> <p>2 PETER GLICK, PH.D.</p> <p>3 TAKEN ON</p> <p>4 WEDNESDAY, JANUARY 10, 2024</p> <p>5 10:04 A.M.</p> <p>6</p> <p>7 THE VIDEOGRAPHER: We are on the record.</p> <p>8 The time is 10:04 a.m. The date is January 10th,</p> <p>9 2024.</p> <p>10 This is the beginning of the deposition of</p> <p>11 Dr. Peter Glick. Case caption is Bala v. OHSU.</p> <p>12 Will counsel please introduce themselves</p> <p>13 and state who they represent.</p> <p>14 MR. BRISCHETTO: Steve Brischetto, for the</p> <p>15 plaintiff.</p> <p>16 MS. BRADFORD: And Megan Bradford, on</p> <p>17 behalf of Oregon Health and Science University and</p> <p>18 Dr. Joaquin Cigarroa and Dr. Charles Henrikson.</p> <p>19 THE VIDEOGRAPHER: Before our court</p> <p>20 reporter swears -- swears in the witness, Counsel,</p> <p>21 you can make any -- yes. We can --</p> <p>22 MS. BRADFORD: Thank you.</p> <p>23 So, Mr. Brischetto, I'm assuming that</p> <p>24 these stipulations won't be a problem, but just want</p> <p>25 to put them on the record.</p>	<p>9</p> <p>1 that you are Dr. Peter Glick and that the testimony</p> <p>2 you are about to give will be the truth, the whole</p> <p>3 truth, and nothing but the truth?</p> <p>4 THE DEPONENT: I do.</p> <p>5 THE REPORTER: Thank you.</p> <p>6 THE VIDEOGRAPHER: You may proceed.</p> <p>7 MS. BRADFORD: Thank you.</p> <p>8 PETER GLICK, PH.D., having been first duly sworn,</p> <p>9 was examined and testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MS. BRADFORD:</p> <p>12 Q. Good morning, Dr. Glick.</p> <p>13 A. Good morning.</p> <p>14 Q. So as I stated earlier, my name is Megan</p> <p>15 Bradford, and I represent OHSU and Doctors Henrikson</p> <p>16 and Cigarroa in this case. I may refer to them just</p> <p>17 collectively as "OHSU" or "Defense" throughout this</p> <p>18 case. If I have a specific question about Dr.</p> <p>19 Cigarroa or Dr. Henrikson, I'll make sure to</p> <p>20 communicate that, okay?</p> <p>21 A. Thanks. Yes.</p> <p>22 Q. I think it's fair to say that this is not</p> <p>23 the first time you've had your deposition taken; is</p> <p>24 that right?</p> <p>25 A. That is correct.</p>

<p style="text-align: right;">10</p> <p>1 Q. Okay. So I'm going to go through some 2 ground rules that I think, most of which will not be 3 new to you, but just want to get them on the record. 4 You understand that you're under oath to tell the 5 truth in this deposition, right? 6 A. Yes, I do. 7 Q. And that oath is no different than if you, 8 for example, were before a judge and before a jury 9 up on a witness stand, right? 10 A. Yes. I understand that and take that oath 11 seriously. 12 Q. And that you understand that that oath 13 carries a penalty of perjury? 14 A. Yes. 15 Q. Which means you could be charged with a 16 crime if you don't testify truthfully? 17 A. Correct. 18 Q. And, also, your -- the testimony that you 19 give today can be used to, for example, impeach your 20 testimony if you were to testify at trial in this 21 case. 22 A. Yes. 23 Q. Do you have anything going on in your life 24 right now that would affect your ability to 25 understand my questions and answer truthfully?</p>	<p style="text-align: right;">12</p> <p>1 quickly and with clarity. But yeah, we'll -- we'll 2 need to agree to try not to interrupt each other as 3 much as possible, okay? 4 A. Yes. 5 Q. If you answer my question, I'm going to 6 assume that you understood it and that you gave me a 7 full and complete answer; is that fair? 8 A. That's fair. 9 Q. And is it also fair that if you -- if you 10 don't understand it, that you will ask me to clarify 11 rather than just give an answer? 12 A. Yes, that's fair. 13 Q. And to that extent, if -- if I ask you a 14 question that, for example, maybe you don't -- you 15 can't think of the answer to right away, or you give 16 one detail, but then later on in the deposition, you 17 remember another detail, can you agree to just let 18 me know -- it's okay if we're in the middle of 19 another topic -- "Hey, I remembered my answer to one 20 of those initial questions, and I want to supplement 21 that"? 22 A. Sure. That would be fine. 23 Q. Because otherwise, I'll assume that you 24 gave the full and complete answer to my question; is 25 that fair?</p>
<p style="text-align: right;">11</p> <p>1 A. No, I do not. 2 Q. Are you taking any medications right now 3 that would affect your ability to testify truthfully 4 and -- and openly? 5 A. No, I am not. 6 Q. You've already acknowledged this before we 7 went on the record, but I think you said you -- you 8 understand that the difficulty that -- of the job 9 that the court reporter has and the importance of, 10 for one, not talking over each other, and another, 11 answering audibly, so no shaking of the heads, no 12 uh-huh, huh-uh. Those things aren't picked up by 13 the record. Is that fair that you understand those 14 things? 15 A. Yes. I do. Sometimes, it's hard to 16 comply -- 17 Q. Yes. 18 A. -- you know, during the -- during the heat 19 of the deposition, but I -- I will strive to be 20 clear. 21 Q. And, Dr. -- Dr. Glick, I'll also strive my 22 best to -- to not speak over you or interrupt you. 23 Obviously, you know, as things come up in the 24 deposition and for time purposes, I need to step in 25 and interrupt you, I'll do my best to just do that</p>	<p style="text-align: right;">13</p> <p>1 A. Yes. 2 Q. Okay. 3 A. Yes. 4 Q. As for breaks, let me know if you need a 5 break. I do want to be conscious of time and -- and 6 getting this moving along and -- and not keeping any 7 of us here all day, if -- if possible. But it's -- 8 it's my practice to -- to take sort of a -- a mid- 9 morning break, and we'll take a lunch break and 10 another afternoon break, but we'll take more as 11 needed. But just let me know if you need something. 12 If we're in the middle of a topic that I 13 just have a few more questions I want to get 14 through, I might say, "Let's -- let's get through 15 those first," but please don't be shy about that, 16 letting us know if you need to take a break, okay? 17 A. Yes. I understand that and appreciate it. 18 Q. And then since this deposition is remote, 19 I want to go over a few kind of additional might 20 seem odd to you and overly technical questions. But 21 let me ask first, have you ever had a remote 22 deposition taken before? I think you have. 23 A. Yes, I have. 24 Q. Okay. So this shouldn't be entirely new 25 to you, but one thing I just wanted to let you know</p>

<p>14</p> <p>1 about is -- and Mr. Brischetto, having been through 2 this yesterday with my colleague, is familiar with 3 some of this, but I'll screen share exhibits. I 4 believe that you have your report with you; is that 5 correct? 6 A. Yes. I have my report in front of me -- 7 Q. Okay. 8 A. -- printed out. 9 Q. We'll flip through that a lot. So I may 10 not screen share that one quite as much, and we can 11 maybe each flip through it by hand instead, but 12 otherwise, I'll screen share. If you need me to 13 scroll up so that you can better identify a document 14 or something like that, please just let me know, 15 okay? 16 A. Okay. 17 Q. But on that same note, what I'll do for 18 any exhibit that I share, I will pull a PDF of it 19 into the chat for both Mr. Brischetto and for 20 yourself to access and -- and you'll have to -- I 21 think you have to hit "save" and download it, but 22 then you can have your own control over the document 23 if you need to, okay? 24 A. Yes. 25 Q. Absent special circumstances, can you</p>	<p>16</p> <p>1 A. Yes, I agree to that. 2 Q. Okay. Do you agree not to e-mail, chat 3 online, or text during the deposition? 4 A. Yes. 5 Q. And if anyone attempts to communicate with 6 you, do you agree to notify all parties immediately? 7 A. Sure. 8 Q. It appears that you're alone in the room. 9 I think you said you're in your house. Can you just 10 verbally confirm that you're alone? 11 A. Yes. I'm not only alone in the room, but 12 nobody's in the house. And the dog is at daycare, 13 and my wife is at work. 14 Q. Again, you're going to think I don't trust 15 you by asking this, but it's just for purposes of 16 the record and the deposition, if it's possible -- I 17 don't -- if you have, like, a webcam set up that's 18 going to get knocked off by doing this, but are you 19 able to just sort of pan your camera around the 20 room? 21 A. Sure. 22 Q. Thank you. 23 A. And I can walk it around if you like. 24 Q. No. That's okay. You can save the house 25 tour for later.</p>
<p>15</p> <p>1 agree to power down all electronic devices around 2 you? For example, if you have your cell phone with 3 you, can you turn it off while we're in the middle 4 of the deposition? 5 A. Sure. I'll -- well, I'll silence it, if 6 that's okay. Just -- 7 Q. I'm sorry, can you say that again? 8 A. I silenced it. 9 Q. Okay. If you could power it down, that 10 would be preferable. 11 A. Okay. Just, you know, in case there's 12 some sort of emergency, but I can -- I can do that. 13 Q. And of course, during any breaks, anything 14 like that, please feel free, you know, to check your 15 phone. It's just for purposes of -- since we're not 16 in the room with you, you know. Not that we don't 17 trust you or anything like that. It's an odd -- odd 18 situation of being in the remote deposition. 19 Do you agree not to communicate in any way 20 with anyone who is not on the record during the 21 deposition? And I say that with -- of course, you 22 can talk to Mr. Brischetto or Mr. Ellis during a 23 break, communicate with them while we're all on the 24 record, but otherwise, that you will not communicate 25 with anyone while we're on the record?</p>	<p>17</p> <p>1 A. Okay. 2 Q. And you mentioned that your dog's at 3 daycare and everything. That's -- that's great 4 because my final question on this note is that to 5 the extent possible, can you agree, since this is 6 being video recorded, to keep the background -- the 7 noise to a minimum, for example, keep pets out of 8 the room, things like that? Sounds like you're 9 going to be alone in the house for the whole day. 10 But can you agree to that to the extent you have 11 control over that? 12 A. Absolutely. To the extent that I have 13 control, there should be no disruption. 14 Q. Thank you. Okay. So, Dr. Glick, how did 15 you prepare for this deposition? 16 A. I talked to Mr. Brischetto on the phone. 17 I reread my report. I read some articles that Mr. 18 Brischetto sent to me that were about discrimination 19 in the medical setting. And let's see, what else? 20 I just reviewed my e-mails. Mr. Brischetto had 21 asked me whether I'd ever talked to Dr. Bala, and I 22 don't recall ever having had any communication with 23 Dr. Bala. I usually don't communicate directly with 24 plaintiffs or defendants or -- you know. I usually 25 don't communicate -- I communicate with the lawyers.</p>

<p>18</p> <p>1 So -- but I -- I -- based on my recollection, I've 2 never had any communication, and I didn't find any 3 in my e-mail. 4 Q. A couple follow-up questions on that. I 5 don't want you to go into the details of your phone 6 calls with Mr. Brischetto unless I specifically ask. 7 But those phone calls that you had with him, I'm 8 assuming you had calls when you were initially 9 retained on this case, correct? 10 A. Oh, yes, correct. 11 Q. And then also when you were drafting your 12 initial report? 13 A. Yes. I think we -- we -- likely -- it's 14 been a long time since I initially drafted the 15 report. But, yes, I -- I think we spoke. 16 Q. And then did you speak again when you 17 updated that report for 2023? 18 A. Yes. 19 Q. Okay. And I'll -- I'll ask you about that 20 more in a little bit. But then the -- when I asked 21 you about preparing for this deposition, was that -- 22 you were referring to additional phone calls that 23 you had with Mr. Brischetto? 24 A. Yes. Just to talk about the likely 25 deposition style --</p>	<p>20</p> <p>1 not articles I think that I used in any way. 2 Q. That was my -- going to be my next 3 question. Did you rely on the articles that Mr. 4 Brischetto sent when you drafted your report in this 5 case? 6 A. I don't think I relied on any of them. 7 Some of them were kind of position statements, and I 8 would definitely not use those, so -- 9 Q. Did you get a chance to read them last 10 night? 11 A. I got a chance to look at them briefly 12 this morning, so, you know, I got them. It's a 13 little later here than for you guys. It was my 14 birthday yesterday, so I left them till this 15 morning, and I just -- I glanced at them. I didn't 16 really thoroughly review them. 17 Q. Happy belated birthday. 18 Let me ask you this: From the limited review 19 that you did of them, have they impacted or changed 20 your opinion in this case in any way? 21 A. No, they have not. 22 Q. Did they have any bearing on your opinion 23 in this case? 24 A. Some of them have no bearing because they 25 were more like organizational position statements or</p>
<p>19</p> <p>1 MR. BRISCHETTO: I'm going to instruct 2 you, Dr. Glick, not to discuss the -- the contents 3 of our communication. All she really wants to know, 4 at least at this point, is whether there were 5 additional phone calls. 6 THE DEPONENT: Sorry. Right. Yes, we did 7 talk on the phone. 8 BY MS. BRADFORD: 9 Q. And I'm going to ask you, regarding those 10 phone calls, a very direct question. In those phone 11 calls, as you prepared for your deposition, did Mr. 12 Brischetto provide you with any new facts to 13 consider? 14 A. I don't think so, no. 15 Q. You mentioned that he had sent you some 16 articles; is that correct? 17 A. Yes. He sent me some articles last night 18 because, apparently, they came up in your deposition 19 yesterday. Said, "Just want you to -- to have 20 these." 21 Q. And was that the first time that you had 22 seen -- that he had sent those articles to you? 23 A. I'm not really sure, but I think so. But 24 I -- I can't really recall, and I didn't do a search 25 to see if I seen them before, that they -- they are</p>	<p>21</p> <p>1 aspirations. One of them, you know, is relevant in 2 that it shows that across many countries female 3 physicians report experiencing discrimination. It's 4 consistent with other information that's in my 5 report. So in that sense, it's relevant. Does it 6 change my opinion? No. If anything, it just 7 reinforces the pervasiveness of -- of discrimination 8 in a traditionally male field, so that's -- 9 Q. Dr. Glick, the one that you thought was 10 relevant, which one is that? 11 A. It was about a global survey -- global 12 survey of physicians and experiences of 13 discrimination. Self-reported experiences of 14 discrimination. 15 Q. Have you discussed this case with anyone 16 other than Mr. Brischetto or other counsel for Dr. 17 Bala? 18 A. No. 19 Q. I think you already mentioned that you -- 20 you have not spoken to the plaintiff Dr. Bala in 21 this case? 22 A. Correct. 23 Q. Did you speak with any of your colleagues 24 in the psychology world about this? 25 A. No.</p>

<p style="text-align: right;">22</p> <p>1 Q. What about your spouse -- you mentioned 2 you're married -- did you speak to her? 3 A. No. Other than I'm doing a case and that 4 I have a deposition, those sorts of things. 5 Q. Do you know who Dr. Molly Carnes is? 6 A. Yes. 7 Q. How do you know her? 8 A. I don't know her personally. I know her 9 by reputation or just have seen that she's -- you 10 know, what -- what she does, and I know she 11 collaborates with someone I do know very well at the 12 University of Wisconsin Madison, Patricia Devine, 13 who's a social psychologist like I am and does 14 research in discrimination. And we -- we came out 15 of grad school at similar times, so we've been 16 colleagues for a long time doing some similar kinds 17 of work. 18 Q. How long have you known of Dr. Carnes? 19 A. I think only relatively recently, but I 20 can't -- I can't pin it down. 21 Q. Understanding you can't pin it down 22 exactly, would you say that you knew of her before 23 2021? 24 A. I'm not sure. I really don't know. I'm 25 really not good on timelines about that sort of</p>	<p style="text-align: right;">24</p> <p>1 September 15th of 2023? 2 A. Yeah, I believe so. I could check in my 3 e-mail to find out for sure, to see if I'm recalling 4 this correctly, but that would be the easy way to -- 5 to figure it out. I could look in the e-mail and 6 see when that report was sent to me. 7 Q. And I might have you look at that during a 8 break, Doctor, but -- but don't worry about it right 9 now. Did the plaintiff Dr. Bala or Mr. Brischetto 10 or any of Dr. Bala's other counsel, did they have 11 any input on the specific opinions that you 12 expressed in your report? 13 A. No. I -- I -- I, you know, make it very 14 clear when I hired that I evaluate things 15 independently. So in terms of the substance of my 16 opinions, no. 17 Q. What about the, maybe, phrasing of your 18 opinions? Did they have any input on that? 19 A. Well, I usually talk to the -- the lawyers 20 about how they handle some of the issues around 21 social framework testimony, so I've done this for a 22 long time. And some of the ways in which courts 23 handle social framework testimony seems to different 24 -- differ regionally, differ by specific judges. So 25 I usually like to -- to discuss, you know, general</p>
<p style="text-align: right;">23</p> <p>1 thing. 2 Q. What about before you drafted any of your 3 reports in this case? 4 A. I think maybe not. I -- I don't think she 5 had sort of knowledge I may or may not have had of 6 her -- of her influenced what my report -- the shape 7 of my report in any way, or my conclusions of my 8 report. And I wasn't aware, I think, when I 9 initially drafted my report, that -- that Dr. Carnes 10 was -- was drafting a report, as well. 11 Q. It sounds, though, like you do know that 12 she was hired to draft a report in this case, much 13 like you, correct? 14 A. I was only aware of that much later, 15 certainly after I had drafted my -- my initial 16 report. 17 Q. Have you had a chance to review her 18 report? 19 A. I did read it. I didn't go over it with a 20 fine-tooth comb, but I did read it. 21 Q. I'm going to ask you to put something on 22 the timeline again. Did you review her report 23 before you submitted your updated 2023 report? 24 A. No, I believe it was after. 25 Q. So you would've reviewed her report after</p>	<p style="text-align: right;">25</p> <p>1 approach to it and make sure that we're on the same 2 page, because I have a preference about how to do it 3 that's pretty strong. So I want to make sure that 4 that is acceptable before they hire me or before we 5 go too -- too far down the road because I -- I want 6 to adhere to the kind of guardrails that I usually 7 try to use in how I do my testimony. 8 Q. We'll talk about those guardrails and -- 9 and some of that a little bit later. Is it fair to 10 say, therefore, that Counsel only had opinions -- or 11 that you discussed sort of how you phrased opinions, 12 not the content or substance of those opinions? 13 A. Yeah, I would say that was fair. 14 Q. Were you asked to revise, delete, add 15 anything to your substantive opinions? 16 A. Not that I can recall. Just say that my 17 usual procedure is I draft my entire report, then I 18 send it off to the lawyers. And -- and particularly 19 want to know if there's any areas where it's just 20 unclear, where I phrase things in a way that's 21 ambiguous for instance, any typos, any issues that 22 might be relevant to the case that -- that I have 23 omitted, that, you know, something for me to 24 consider, but I'm not looking for, you know, 25 feedback that would change my opinions. I don't --</p>

<p style="text-align: right;">26</p> <p>1 I don't -- I don't appreciate that.</p> <p>2 Q. Fair enough.</p> <p>3 MS. BRADFORD: Okay. I am going to put</p> <p>4 Document A, which we'll mark as Exhibit 1, into the</p> <p>5 chat. Then I will share my screen in just a moment.</p> <p>6 Mr. Brischetto and Dr. Glick, do you see</p> <p>7 that document in the chat?</p> <p>8 (WHEREUPON, Exhibit 1 was marked for</p> <p>9 identification.)</p> <p>10 MR. BRISCHETTO: Not yet.</p> <p>11 THE DEPONENT: Yeah, I don't see it yet,</p> <p>12 either.</p> <p>13 MS. BRADFORD: Probably, I should hit</p> <p>14 "send." That would --</p> <p>15 THE DEPONENT: Now I see it.</p> <p>16 MR. BRISCHETTO: Yeah, now I see it, too.</p> <p>17 MS. BRADFORD: And can everybody see my</p> <p>18 screen?</p> <p>19 THE DEPONENT: Yes.</p> <p>20 MR. BRISCHETTO: I can see the screen,</p> <p>21 too. If you would give us a minute to save and --</p> <p>22 and -- and display the whole thing on our screens, I</p> <p>23 appreciate it.</p> <p>24 MS. BRADFORD: Okay. Just let me know</p> <p>25 when you're ready.</p>	<p style="text-align: right;">28</p> <p>1 the same magistrate judge, it was excluded, and then</p> <p>2 the trial judge modified to allow me to testify.</p> <p>3 And -- and indeed, I testified at trial in that</p> <p>4 second case. I can say more about this, and I would</p> <p>5 like to just say that in the --</p> <p>6 Q. Let me -- let me ask you a couple specific</p> <p>7 questions about that.</p> <p>8 A. Sure.</p> <p>9 Q. So the case where it was fully excluded,</p> <p>10 that was the case of "Mullinex v. the -- the</p> <p>11 University of Texas," correct?</p> <p>12 A. Correct.</p> <p>13 MS. BRADFORD: And, Ms. Byrd, that's M-U-</p> <p>14 L-L-E-N-I-X.</p> <p>15 BY MR. MS. BRADFORD:</p> <p>16 Q. What is your understanding of why your</p> <p>17 testimony was excluded from that case, in a couple</p> <p>18 of sentences?</p> <p>19 A. In a couple of sentences, my understanding</p> <p>20 is that because judges have a lot of discretion in</p> <p>21 how the guardrails are defined in social framework</p> <p>22 testimony, that a judge in this case -- or the</p> <p>23 magistrate judge that was appointed by the trial</p> <p>24 judge, decided that this did not fit those</p> <p>25 guardrails.</p>
<p style="text-align: right;">27</p> <p>1 MR. BRISCHETTO: I am ready on my end.</p> <p>2 BY MS. BRADFORD:</p> <p>3 Q. So, Dr. Glick, what I handed you marked as</p> <p>4 Exhibit 1 is a printout from your expert -- from</p> <p>5 the, essentially, expert witness tab from your</p> <p>6 website. Does that look familiar to you?</p> <p>7 A. Yes, it does.</p> <p>8 Q. And in this, you talk about your -- some</p> <p>9 of your experience working as an expert witness; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And as I scroll down in this -- oops.</p> <p>13 That's highlight. But starting here, where it says,</p> <p>14 "As a highly experienced expert," do you see that?</p> <p>15 A. Yes, I see that.</p> <p>16 Q. So it says, "As a highly experienced</p> <p>17 expert who knows where the legal lines are drawn, my</p> <p>18 testimony has consistently withstood motions to</p> <p>19 exclude." Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. So, Dr. Glick, isn't it fair to say,</p> <p>22 however, that your testimony has actually been</p> <p>23 excluded or limited in some cases?</p> <p>24 A. It was excluded in one case, and then in</p> <p>25 another case, in the same jurisdiction, it -- and by</p>	<p style="text-align: right;">29</p> <p>1 Q. And then the other case that you were</p> <p>2 referring to, that's the case of "Nikolova v. the</p> <p>3 University of Texas," correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you essentially already said this, but</p> <p>6 initially, the -- the magistrate judge had excluded</p> <p>7 your testimony, and then it eventually only -- it</p> <p>8 was only partially excluded. You were still allowed</p> <p>9 to testify, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And is it fair to say that the judge</p> <p>12 limited your testimony in that "Nikolova" case to</p> <p>13 only speaking about general research at the --</p> <p>14 A. Yes. Correct.</p> <p>15 Q. In this case, Dr. Glick, do you intend to</p> <p>16 offer an opinion on whether Dr. Bala was subjected</p> <p>17 to gender or race discrimination?</p> <p>18 A. Well, consistent with my report, the</p> <p>19 guardrails that I used in this report, which --</p> <p>20 which I wrote before the exclusion in the "Mullinex"</p> <p>21 case, the guardrails that I used were the guardrails</p> <p>22 that Judge Gertner, in -- in a case in Boston, "Tuli</p> <p>23 v. Brigham and Women's Hospital," had imposed, which</p> <p>24 was that when talking about the case itself, that</p> <p>25 this -- the expert -- the social framework expert</p>

<p>30</p> <p>1 should refrain from making the ultimate conclusion, 2 which is up to the jury. But it's -- in -- in her 3 definition of the guardrails, which was my North 4 Star for quite a while, she said that it was 5 perfectly fine to talk -- point the -- the case 6 decision-makers to issues to consider and to talk 7 about case facts that are consistent with the 8 possibility of discrimination, you know, while not 9 ultimately opining, yes, discrimination definitely 10 occurred, or more likely than not occurred, or 11 something like that. So I -- that's how I've 12 structured -- I structured my reports for many many 13 years.</p> <p>14 Post "Mullinex," I have changed my 15 approach because of shifting standards. What I see 16 as shifting standards in the courts. And I 17 understand trial judges have a lot of discretion on 18 how to interpret the rules. It's a little bit 19 frustrating for the expert because it's kind of like 20 the goalposts can shift from jurisdiction to 21 jurisdiction, judge to judge.</p> <p>22 But I -- I've -- I've become even more 23 conservative, typically in my later reports. This 24 report was written before that. And so I do talk a 25 lot about the specific facts of the case, but I</p>	<p>32</p> <p>1 say, "No. This is not -- your work is not 2 acceptable because you haven't -- you don't fulfill 3 this new set of rules," those shifting goalposts. I 4 think it's just natural for anyone to feel 5 frustrated. I'm not in a rage about it. I'm just - 6 - you know, I wish -- I wish I had a consistent set 7 of guidelines, and I see other colleagues doing 8 different things when I've occasionally been exposed 9 to other expert reports.</p> <p>10 You know, I try to be conservative in the 11 sense of really abiding by what I think the courts 12 will accept and define, and I totally recognize 13 their authority to do that. I just wish that there 14 was more consistency case-to-case, so that I 15 understood those rules more completely.</p> <p>16 Unfortunately, to me, that's -- you know, that's 17 just something I think is natural for anybody to 18 want who's got a job to do.</p> <p>19 Q. Let me ask you this, Dr. Glick: If those 20 guardrails or -- or goalposts didn't exist, would 21 you feel comfortable opining on the ultimate issue 22 in this case of whether Dr. Bala was discriminated 23 against?</p> <p>24 A. Yes, I would. If I was asked to play the 25 role of a juror, I would be perfectly comfortable</p>
<p>31</p> <p>1 don't ultimately draw the conclusion that -- that in 2 my understanding is -- is the courts prefer that to 3 be something that -- the way that a social framework 4 expert should handle things.</p> <p>5 Q. A couple of follow-up questions to that, 6 Dr. Glick. You mentioned that it's frustrating 7 dealing with -- with the -- the -- the changing 8 judges and -- and their opinions. Why do you find 9 that frustrating?</p> <p>10 A. Well, because I want to play within the 11 rules. I'm an academic. I'm not a lawyer. I don't 12 have a law degree. I've had a lot of experience as 13 an expert witness because I've done this, you know, 14 spottily, initially especially, for 30 years, or so. 15 And -- so, you know, you learn over the years it's 16 two different sets of rules about how -- you know, 17 how we do things in science and academia as one 18 domain, how the courts define things. And I 19 perfectly recognize the courts need to define the 20 rules. I'm -- I'm -- I want the rules. I want the 21 guardrails. I'm perfectly happy to have those.</p> <p>22 It's just, you know, imagine if you -- you 23 have a job to do and people tell you, "Okay. These 24 are the rules," and then you abide by those rules. 25 And then all of a sudden, the rules change, and they</p>	<p>33</p> <p>1 rendering an opinion based on what I've seen, which 2 is a lot of documentation on the case, and also 3 informed by my intimate knowledge of research into 4 stereotyping, bias, and discrimination.</p> <p>5 Q. And I might ask you a little bit more 6 later about some of those goalposts and -- and 7 things like that.</p> <p>8 MS. BRADFORD: But what I want to do is 9 I'm going to put Document C, which we'll mark as 10 Exhibit 2, into the -- into the chat. I'll hit 11 "send" this time. And I -- I'm -- I'm not going to 12 screen share this one.</p> <p>13 (WHEREUPON, Exhibit 2 was marked for 14 identification.)</p> <p>15 BY MS. BRADFORD:</p> <p>16 Q. But, Dr. Glick, do you see that?</p> <p>17 A. Okay. I can download it. I -- I -- I'm 18 assuming this is my report?</p> <p>19 Q. Yes. So this is your -- and I'll ask you 20 to confirm this. But this is your report that you 21 drafted. It's dated July 30th, 2021.</p> <p>22 A. Yeah. I'm just trying to open --</p> <p>23 Q. Once you open it.</p> <p>24 A. -- actually open it up. I -- I mean, 25 could I -- okay. There we go. All right. I'm</p>

<p>34</p> <p>1 trying to get my documents here. My computer is 2 being a little slow. 3 Q. Sure. 4 A. So I think it downloaded to my desktop. 5 There we go. Yeah, that looks like my report, which 6 I have in front of me as a printout, so -- 7 Q. And -- and just to be clear, Dr. Glick, 8 this report here is dated July 30th, 2021, correct? 9 A. All right. So that's my initial report. 10 Correct. 11 Q. And so you were asked to draft an initial 12 report in this case that went along with some 13 summary judgment briefing; is that fair? 14 A. I can't recall exactly about summary 15 judgment, but -- but yes, I was asked to -- to draft 16 a -- a report. 17 Q. Okay. 18 MS. BRADFORD: So now I'm going to drag in 19 Document D, and we'll mark Document D as Exhibit 3. 20 (WHEREUPON, Exhibit 3 was marked for 21 identification.) 22 BY MS. BRADFORD: 23 Q. Okay. So, Dr. Glick, is this document -- 24 is this the report that you had in front of you, 25 your report drafted September 15th, 2023?</p>	<p>36</p> <p>1 processes and looking specifically at them in a 2 medical setting. 3 So I think the -- from what I recall, the 4 -- the difference in the reports would mainly be a 5 new section that -- or an expanded section on 6 discrimination in medical settings. 7 MR. BRISCHETTO: Megan, I'm sorry to 8 interrupt, but I need a break to get on my 9 conference call with the Court, and Matt is not here 10 yet. So if we can take a break. If he gets here in 11 a minute or two minutes, he'll come online and -- 12 and pick up representation to -- until I get back. 13 If he doesn't get here in a minute or two minutes, 14 it -- it shouldn't be more than 15 minutes. 15 MS. BRADFORD: Okay. Thanks, Mr. 16 Brischetto. 17 MR. BRISCHETTO: Thank you, Megan. 18 THE VIDEOGRAPHER: Okay. We'll go off the 19 record, Counsel. All right. The time is 10:41 a.m. 20 (WHEREUPON, a recess was taken.) 21 THE VIDEOGRAPHER: We are on the record. 22 The time is 10:50 a.m. You may now proceed. 23 BY MS. BRADFORD: 24 Q. So, Dr. Glick, when we were -- before the 25 break, we were chatting about the changes that you</p>
<p>35</p> <p>1 A. Yes. Judging from the cover page, that is 2 my report that -- my current report, yes. 3 Q. Dr. Glick, how are these two reports 4 different? 5 A. Well, in the time that this case was 6 sitting, from -- from my perspective, idle or 7 nothing was happening for me relative to the case, I 8 had some other cases that involved discrimination in 9 medical settings, potential discrimination in 10 medical settings, and I became more aware of some of 11 the research not directly in my field, which tends 12 to -- to, you know, not necessarily be in a specific 13 setting, but rather looks at basic processes related 14 to discrimination. So I became aware of more 15 research, good research, that was done specifically 16 with discrimination, especially sex discrimination, 17 in -- against doctors and surgeons. 18 And so when -- when this case now became 19 reactivated, as far as I'm concerned, right, I had 20 written a report. Nothing happened for a couple of 21 years. And then, "Okay. Now, there's going to be - 22 - we -- we have to, you know, finalize your report," 23 and all of that. I -- I offered to -- to include 24 some of this new information that I had become aware 25 of in the general section on discriminatory</p>	<p>37</p> <p>1 had made to your report between 2021 and 2023. And 2 I think, just for clarity's sake, those changes were 3 adding in the section that you titled "Sex 4 Discrimination in Medicine" on page 40, and 5 "Backlash From Staff Toward Female Physicians" 6 starting on page 44; is that fair? 7 A. Yeah, I think that's -- I think that 8 summarizes the changes. I mean, I -- I might have 9 made some other changes. I -- I can't recall, but 10 that's -- that's what I recall. 11 Q. So you had mentioned earlier when we were 12 talking a little bit about the guardrails that are 13 placed on your testimony sometimes that, initially, 14 when you drafted this report, you -- you mentioned 15 Judge Gertner and sort of the limitations that she 16 placed, and that you drafted this report sort of 17 with those limitations in mind; is that fair? 18 A. Yes, that's fair. 19 Q. But then after the 2021 report was 20 written, so Exhibit 3, and before your September 21 report, the -- is that when the "Mullinix" and 22 "Nikolova" cases happen, and you -- and that's when 23 you said that you've become even more conservative 24 in your approach? 25 A. Typically, yes.</p>

<p>38</p> <p>1 Q. Okay. Did you make any updates to your 2 opinion to bring them more in line with that more 3 conservative approach?</p> <p>4 A. No. I -- I -- I didn't in this case. I 5 felt it was kind of grandfathered. I'd already 6 written the report. It's a different jurisdiction. 7 And, again, I -- I have no qualms about the courts 8 deciding the rules. It's just that it's the 9 unpredictability or inconsistency. And I don't -- I 10 don't mind that they change the rules, but it's, you 11 know, inconsistent across different judges in 12 different jurisdictions. And since I'd already 13 written this, I -- I didn't feel that it was fair 14 for me to now take it back. I'd -- you know, I'd 15 spent a lot of time on it, as well.</p> <p>16 Q. When you made the updates that you did to 17 your report, adding those two sections that we 18 discussed, did you communicate to Counsel that that 19 was your idea, that you wanted to go ahead and make 20 those updates, or were you asked to update it?</p> <p>21 MR. BRISCHETTO: I'm -- I'm going to 22 instruct you not to answer that question. I -- I 23 think it is privileged. I think it does go to the 24 substance of communications and is work product. 25 MS. BRADFORD: And I would disagree, Mr.</p>	<p>40</p> <p>1 MR. BRISCHETTO: Yes, that's fair. 2 THE DEPONENT: Okay. 3 As I said, in the time, the two years 4 between -- I think it was two years between the 5 initial report and the later report, I had 6 participated in some cases with claims of medical 7 discrimination, and I became aware of more studies 8 that were specifically in that area. And so I liked 9 to -- you know, I -- I started including those in 10 other reports. And so I'm the one who found the -- 11 those -- those data. These were not supplied to me 12 by Mr. Brischetto. 13 BY MS. BRADFORD: 14 Q. And was it your idea to add them to your 15 report? 16 MR. BRISCHETTO: Again, I'm going to 17 instruct you not to answer that. It's -- it's the 18 same question as before. I believe that's work 19 product and privileged. 20 MS. BRADFORD: And we might need to come 21 back to this on a break. 22 MR. BRISCHETTO: Sure. 23 MS. BRADFORD: But I'll move on for now. 24 BY MS. BRADFORD: 25 Q. Did you review any case materials? Any,</p>
<p>39</p> <p>1 Brischetto. I think under Rule 26, it's pretty 2 clear that in terms of anything relating to the 3 facts or the data, which these sections are 4 explicitly about data applied or any assumptions 5 given by counsel, it's fair to ask that. Not asking 6 about the reasons, but simply if it was Counsel's 7 idea to add in this additional data, or if it was 8 Dr. Glick's idea to add -- 9 MR. BRISCHETTO: I -- I -- I think -- I'm 10 still going to instruct him not to answer that 11 question because it seems to me it goes towards 12 strategy, which is work product. I mean, it's 13 certainly fair if you want to ask him whether that 14 was -- the additional sections were facts or data 15 supplied by counsel. I'm real comfortable with -- 16 with that, but I -- I don't think I'd let him go 17 beyond that. 18 MS. BRADFORD: Let me reframe the 19 question. 20 MR. BRISCHETTO: Sure. 21 BY MS. BRADFORD: 22 Q. Dr. Glick, who found this additional data? 23 MR. BRISCHETTO: Fair. 24 THE DEPONENT: This -- is that -- is that 25 okay?</p>	<p>41</p> <p>1 you know, case records, anything provided by Dr. 2 Bala's counsel in updating your report? 3 A. Not that I could -- sorry. Sorry. Not 4 that I can recall, no. 5 Q. I want to ask you a couple of questions 6 now about your experience as an expert witness. So 7 as we've already gone through, you have been 8 retained as an expert before. Are all of the times 9 that you've been retained listed in your CV that's 10 attached to this report? 11 A. I think that it's complete. There 12 might've been something like a -- a mediation or 13 something like that that, you know, wouldn't be in 14 there, but anything, I believe it's complete in 15 terms of things in federal or state court. 16 Q. Okay. And how many of the cases that 17 you've been retained as an expert in, the civil 18 cases, how many of those were you hired by the 19 plaintiff? 20 A. I think all but two. 21 Q. So what would that sort of rough 22 percentage be, like 80 percent? 90 percent? 23 A. I don't know. I haven't -- I couldn't 24 tell you exactly. But you can easily count up and - 25 - and do the division. I will just say that,</p>

<p style="text-align: right;">42</p> <p>1 typically, given the research that I do, it's 2 usually plaintiffs' lawyers who are seeking the kind 3 of expert who knows the nuances of sex 4 discrimination. 5 Q. And the -- the CV that's attached to your 6 September 2023 report, is that up to date? 7 A. It's pretty up to date, but I think some 8 papers may have gotten accepted since that time. I 9 do have a printed-out CV. I -- I think I printed 10 out -- I don't know if this is the CV that's from -- 11 that was attached to my report or if this is a -- a 12 later CV, but, you know, I've had a couple of papers 13 as a coauthor accepted recently, but other than 14 that, it should be very up to date. 15 Q. But you haven't provided any other 16 depositions or other testimony since September of 17 2023; is that fair? 18 A. Not that I can -- wait, since -- since 19 September of 2023? I don't think so. I could 20 double-check on that, but I don't think so. 21 Q. How much of your income is generated by 22 your work as an expert witness? 23 A. Oh, it varies considerably. So just 24 timeline, you know, when I initially started being 25 asked by lawyers to -- to -- to be an expert</p>	<p style="text-align: right;">44</p> <p>1 MR. BRISCHETTO: Yeah. And I want to 2 advise Counsel, Mr. Ellis has entered the room over 3 here. 4 MS. BRADFORD: Thank you. 5 BY MS. BRADFORD: 6 Q. Have you ever worked with Mr. Brischetto 7 or Mr. Ellis before? 8 A. I don't think so. I -- but I -- I -- I 9 sometimes do get, you know, lawyers who I've done a 10 case for calling me again. Maybe Mr. Brischetto can 11 answer that more accurately, but I don't -- I don't 12 think I have. But I can't swear to it right now. 13 Q. So let's move on to talking about your 14 presentation of social science research in your 15 report. You -- it's correct that you earned your 16 Ph.D. in social psychology, right? 17 A. Yes. 18 Q. Dr. Glick, can you explain to me how you 19 differentiate the field of social psychology from 20 the field of personality psychology? 21 A. Well, they're overlapping. So for 22 instance, you know, the most prominent journal in 23 the field of social psychology is the journal of 24 "Personality and Social Psychology." So the -- 25 they're considered interconnected.</p>
<p style="text-align: right;">43</p> <p>1 witness, I would do one case here, and maybe two in 2 a year, maybe none. So it was very spotty, and -- 3 and I didn't ever -- I didn't advertise. So it was 4 not -- you know, it was something I sought out, but 5 kind of came to me. 6 In the last few years, it's been much more 7 frequent. I guess, I'm becoming more well known 8 among the lawyers, employment lawyers, because I've 9 been asked much more frequently. And I'm also going 10 into a phased retirement, so I have more time. And 11 then it's become, you know, much more of a, you 12 know, proportionately, you know, it's sometimes 13 exceeding my -- my liberal arts college salary. 14 Q. And you mentioned that you used to not 15 advertise your work as an expert witness. But given 16 the Exhibit 1 that we've admitted, is it fair to say 17 you do advertise that now on your personal website? 18 A. I put it on my website. I mean, it's not 19 like paid advertisement, but I put it on my -- yes, 20 I -- I have it on my home page on my website. 21 Q. Okay. What -- 22 THE VIDEOGRAPHER: And I'm sorry to 23 interrupt, Counsel. I -- I have Emily Schultz in 24 the waiting room. Am I allowed to admit them in? 25 Okay.</p>	<p style="text-align: right;">45</p> <p>1 Social psychologists, in terms of nuance, 2 social psychologists tend to focus not exclusively 3 on personality variables but tend to be very 4 interested in social context. So for example, you 5 know, in what kinds of organizations is 6 discrimination more or less likely to occur would be 7 about social context, whereas who is more likely to 8 discriminate, right, might get more into 9 personality. Typically, however, they're -- they're 10 very interlinked fields. 11 And so social psychologists are often 12 looking both at social context variables and 13 personality or attitudinal variables that differ by 14 individuals. In fact, my most well-known research 15 would be on individual differences in adherence to 16 sexist beliefs, right? So depending on what you 17 want to define personality as, that's -- that's more 18 of an individual difference variable, but also a 19 social ideology. 20 So -- so we're often looking at the links 21 between these things and looking at both of them at 22 once because we really want to find out -- you know, 23 for instance, how does social context matter? But 24 maybe not everybody discriminates. Well, how do 25 individual differences matter? How do they interact</p>

<p style="text-align: right;">46</p> <p>1 with social context, which might make people who are 2 inclined to discriminate more or less likely to 3 discriminate? And so we -- we definitely look at 4 all of those things. 5 Q. So I just want to ask a couple of follow- 6 up questions on that. So would you agree that -- I 7 think you just said maybe not everybody 8 discriminates, and you can't just give a blanket 9 statement saying "Everybody discriminates"; is that 10 fair? 11 A. Yeah. And I -- I think from the social 12 psychology -- first off, we can't test that. And 13 you can't test that proposition because it's an 14 absolute, and -- and you'd have to get all the data 15 of all the time in the world. So I mean, I think 16 based on what we do know, it's likely that everybody 17 at some time has discriminated, right, against 18 others, and that we all have sort of well-learned 19 stereotypes that can bias our perceptions. But 20 that, you know, when you get down to a specific 21 situation, a specific individual who might or might 22 not be the target of discrimination, that, you know, 23 I wouldn't -- I wouldn't -- we -- we try to figure 24 out, when is that discrimination more or less 25 likely. And so in that sense, not everybody's going</p>	<p style="text-align: right;">48</p> <p>1 you have done and the studies that you have 2 published, that it is not correct to say that we all 3 hold the same biases or the same levels of bias; is 4 that fair? 5 A. The way I respond to that is that we have 6 good evidence that gender bias is -- is pervasive, 7 that we're all exposed to it, that we all are likely 8 to at least have some -- some leanings, that, you 9 know, we -- we understand the stereotypes, we've -- 10 we've internalized the stereotypes. Do they always 11 translate into discriminatory behavior? No, they -- 12 they don't. And that depends on the situation. It 13 depends on the individual, all sorts of things that 14 I cover in my report. 15 Q. And, Dr. Glick, I appreciate that. My 16 question isn't specific to gender biases. Let me 17 just ask you in this way. Do you agree with the 18 statement that we all hold -- as people everywhere, 19 we all hold the exact same biases, period? Do you 20 agree or disagree with that? 21 MR. BRISCHETTO: I'm going to object that 22 that's vague. Go ahead. 23 THE DEPONENT: Yeah. And that's -- that's 24 my problem with that statement. You know, I -- I 25 think it's so broad that -- do you want to -- can</p>
<p style="text-align: right;">47</p> <p>1 to discriminate every time. 2 So I'll just give you an example. Just I 3 would never make the blanket statement that women 4 are always discriminated against relative to men, or 5 that certain kinds of people always discriminate 6 against women. I wouldn't make those kinds of 7 absolute statements because the -- the truth is more 8 nuanced than that, which is why I think you need an 9 expert to inform juries about -- about those nuances 10 that are -- that are demonstrated by research. 11 Q. Speaking of those absolutes, and given 12 your experience as an expert, would you feel 13 uncomfortable making the sort of absolute statement 14 that all women electrophysiologists face 15 discrimination? 16 A. Yeah. I think -- I think we can't 17 sustain, typically, those absolute statements 18 because you're not going to have data. You know, it 19 would be impossible to sustain that, right? And so 20 I -- I think, just generally, a social scientist who 21 studies these things would be allergic to agreeing 22 to those kinds of absolutes. And -- and it's more 23 complicated than that and more nuanced than that. 24 Q. And we'll get to this more -- more later. 25 But I think you would agree, given the research that</p>	<p style="text-align: right;">49</p> <p>1 you just repeat that statement? I'm -- I'm trying 2 to wrap my head around it because I think it's -- 3 it's just too general and broad for me to really 4 feel I can have a confident response to it. 5 BY MS. BRADFORD: 6 Q. Yeah, sure. And it is a broad statement, 7 and -- and that's sort of why I'm asking if you 8 agree or disagree with this broad statement that we 9 all hold the same biases. 10 A. I would say that I would not agree with 11 that broad statement because I'm covering all sorts 12 of different kinds of groups, potentially. And, you 13 know, I'd be -- I think what's more pertinent in 14 this case is to ask questions about gender bias. 15 Q. You've touched on this already, but is it 16 fair to say that social psychologists examine the 17 power of situations to influence thought and 18 behavior? 19 A. Yes. That's kind of a core intellectual 20 tradition of the field and kind of a defining 21 feature. That's not -- that's not the only thing we 22 do, but that is kind of a core way we define what we 23 do. 24 Q. And do you agree that situations can have 25 a power influence -- sorry -- a powerful influence</p>

<p>50</p> <p>1 on our thought and our behavior?</p> <p>2 A. Oh, absolutely. I mean, that's -- that's</p> <p>3 a key. You know, if you looked at a social</p> <p>4 psychology textbook, you know, it would be pretty</p> <p>5 uncommon for them not to make that statement as kind</p> <p>6 of a key insight about social psychology. Now,</p> <p>7 again, you know, it depends, right, on the</p> <p>8 specifics, but one of the key points that social</p> <p>9 psychologists have established is that the power of</p> <p>10 the situation can often exceed people's awareness of</p> <p>11 the power of the situation.</p> <p>12 Q. Do you agree that features of a situation</p> <p>13 can increase or decrease the likelihood that someone</p> <p>14 will engage in, say, gender discrimination?</p> <p>15 A. Yes.</p> <p>16 Q. And same for race discrimination?</p> <p>17 A. Oh, yes.</p> <p>18 Q. Dr. Glick, on page 13 of your report, you</p> <p>19 state, and it's towards the bottom, that:</p> <p>20 Stereotyping and discrimination represent complex</p> <p>21 processes that depend on situational context,</p> <p>22 organizational climate and practices, individual</p> <p>23 attitudes, and other factors. So given this and</p> <p>24 what you've just testified about, would you agree</p> <p>25 that there are many different factors that can</p>	<p>52</p> <p>1 that although things are complex, what social</p> <p>2 psychologists are also very good at and what -- just</p> <p>3 personal shout out, what I'm quite well known for,</p> <p>4 are constructing theories that make sense of this</p> <p>5 complexity and that provide a framework that can</p> <p>6 help people in a specific case pick through whether</p> <p>7 it was likely that discrimination occurred or</p> <p>8 relatively unlikely that discrimination occurred.</p> <p>9 Q. So given what you've -- you've sort of</p> <p>10 defined your -- your role as, would you agree that -</p> <p>11 - I think you said that case decision-makers need to</p> <p>12 carefully analyze and consider these specific</p> <p>13 situations, but that you need to, as well?</p> <p>14 A. Oh, I think I have, yes.</p> <p>15 Q. When you prepared your report, did you</p> <p>16 seek to provide an objective and unbiased</p> <p>17 presentation of the social science research that was</p> <p>18 relevant to this case?</p> <p>19 A. Yes. I try to write a report that if you</p> <p>20 randomly selected 10 of my colleagues in social</p> <p>21 psychology, especially those who specialize in</p> <p>22 prejudice and discrimination, that they would read</p> <p>23 the report and say, "Yeah, that's a fair and</p> <p>24 accurate rendering of the consensus in the field</p> <p>25 based on the studies that have been conducted."</p>
<p>51</p> <p>1 affect whether someone engages in stereotype and</p> <p>2 discrimination?</p> <p>3 A. Sure. It depends on how you define</p> <p>4 "many," but I think that's what I'm saying there is</p> <p>5 that, you know, this is complicated. It's not like,</p> <p>6 "Oh, men hate all women," or -- or something like</p> <p>7 that. That's -- that's just not -- that's just not</p> <p>8 true, and the data show that. And so we have</p> <p>9 thousands of studies to try to really understand</p> <p>10 those nuances, and we've made a ton of progress in</p> <p>11 understanding when it becomes more or less likely.</p> <p>12 Q. And given -- you noted that it's</p> <p>13 complicated. Given that, would you agree that the</p> <p>14 characteristics of specific situations,</p> <p>15 characteristics of the specific individuals involved</p> <p>16 in a case need to be carefully analyzed to determine</p> <p>17 whether anyone engaged in stereotyping or</p> <p>18 discrimination?</p> <p>19 A. If you're talking about a legal case, I</p> <p>20 definitely think that the case decision-makers</p> <p>21 should carefully look at the evidence, you know,</p> <p>22 including things like evidence about -- that might</p> <p>23 exist about organizational climate, you know, when -</p> <p>24 - and -- and then -- and the social framework</p> <p>25 evidence that I can provide. And I just want to say</p>	<p>53</p> <p>1 Q. Dr. Glick, on page 50 of your report, at</p> <p>2 the top of the page, you write that "social</p> <p>3 framework experts serve a specific role: educating a</p> <p>4 jury about research findings and pointing out ways</p> <p>5 that research findings may help inform their</p> <p>6 decision."</p> <p>7 So given this and what you've already</p> <p>8 talked about this morning, would you agree that if</p> <p>9 you were to testify in this case, it would be your</p> <p>10 job to educate the jury on the research that's</p> <p>11 relevant to stereotyping and bias of discrimination?</p> <p>12 A. Yes. And to provide them with a</p> <p>13 scientific consensus. I just want to say that</p> <p>14 whenever you conduct thousands and thousands of</p> <p>15 studies, as have been done, you're going to get, you</p> <p>16 know, some studies that don't find an effect. But</p> <p>17 you need to really have somebody who understands</p> <p>18 what's the theories and also the variables and look</p> <p>19 at them quite carefully to -- and -- and also then</p> <p>20 crunch these together. We do things such as meta-</p> <p>21 analyses, which crunch together the data from</p> <p>22 various studies because there's a lot of noise, as</p> <p>23 well.</p> <p>24 You know, you can't -- can't completely</p> <p>25 eliminate random error in studies, for example. And</p>

<p style="text-align: right;">54</p> <p>1 so, you know, you need to kind of go with what the - 2 - the weight of the evidence -- the weight of the 3 scientific evidence shows. So what I would say is 4 my report adheres to that weight of the scientific 5 evidence, highlighting some studies that people 6 could understand that are -- are relevant to the 7 issues at hand, that are representative of the 8 weight of the evidence. 9 Q. Do you think it's important to inform the 10 jury, whether it's through your report or through 11 your testimony, of all of the relevant research on 12 this topic? 13 A. Well, I have a -- a book on gender with my 14 coauthor Laurie Rudman that's -- I don't know, 15 whatever, 300 pages -- more than 300 pages long. 16 And I don't know the references. It would be 17 thousands of references. And that doesn't cover all 18 the studies, right? There's just too much to -- to 19 -- it would -- I mean, it would be -- I'd have to 20 write several volumes to cover all studies that -- 21 you know, in this area. So, you know, I think that 22 would be impossible. 23 Again, it's really to explain in a way 24 that an average person could understand the weight 25 of the evidence with illustrative studies that are -</p>	<p style="text-align: right;">56</p> <p>1 them all together. And, also, include some of what 2 we call the moderator variables to start trying to 3 figure out, well, when does this happen? When does 4 this not happen? What's the average effect? All of 5 those sorts of things. So again, it's trying to 6 represent fairly and accurately the weight of the 7 evidence. 8 And again, I would contend that if you 9 randomly selected 10 or 50 of my colleagues in this 10 area, they would read my report, and I don't know, 11 maybe they'd have a quibble here or there, but I 12 think they would say, "Yeah, that report is, you 13 know, accurate representation of the consensus." 14 Q. So you mentioned that it's important to 15 present them fairly and accurately, I think you 16 said. When you wrote this report, did you seek to 17 present the -- the relevant research understanding 18 how you've -- you've talked about which research you 19 selected, but did you seek to present that in an 20 even-handed way without favoring one party over the 21 other? 22 A. It's not a matter of favoring one party 23 over the other. It's a matter of representing the 24 weight of the evidence. So I'll give you an 25 example. Backlash research. I read a lot of</p>
<p style="text-align: right;">55</p> <p>1 - you know, that are particularly demonstrative of a 2 principle and that fit within the general consensus, 3 that is -- that just fit within the general weight 4 of the evidence. I mean, I'll just give you an 5 example. 6 Q. Here, let me ask you this, Dr. Glick. You 7 mentioned earlier that you -- because of the -- the 8 amount of studies out there that you sometimes have 9 to highlight certain ones. How do you decide which 10 ones to highlight? 11 A. I think I just answered that question to 12 some extent. Their relevance. Some of them are -- 13 are more understandable, and they're -- they're more 14 pertinent to the issues that are at hand in a case. 15 You know, and -- and so they -- they -- and they 16 illustrate the kinds of methods. They're 17 particularly well done, particularly informative, or 18 on point. These would be criteria that I would use 19 to -- to decide, you know, which ones to highlight. 20 But I also will, you know, cite meta- 21 analytic studies, which crunch across sometimes 22 hundreds of -- of studies on a particular kind of 23 effect, or even more, you know, than that, that 24 might have tens of thousands of participants 25 represented across studies, statistically crunch</p>	<p style="text-align: right;">57</p> <p>1 research on backlash. There was a study done in 2 Sweden, and I looked at the study, and I said, "Oh, 3 this is great. They got an organizational sample, 4 and they looked at backlash in -- in actual 5 organizations." 6 But the -- the materials that they 7 devised, when I looked at -- and this is why you 8 need an expert because when I looked at the actual 9 materials, this person didn't understand the 10 circumstances that produce backlash. So as I say in 11 my report, it's things like women who are assertive, 12 ambitious, or in a position where they have to 13 criticize others, these are the kinds of things that 14 elicit backlash. 15 Well, in this particular study, which was 16 unfortunate because they had a great sample, they 17 did so many things right, but they did one thing 18 fatally wrong in order to test backlash. And that 19 is the materials. When you look at them, they said, 20 "This person is incredibly hardworking." That was 21 kind of the main theme, and -- and that's not what 22 elicits backlash. A hardworking woman, fine. 23 Everybody's fine with a hardworking woman, right? 24 It's an ambitious, assertive woman -- women that, 25 you know, not everybody is fine with.</p>

<p style="text-align: right;">58</p> <p>1 So I look at the study, and I say, "Okay, 2 this is a study, one in a minority, that seems to -- 3 to contradict backlash." But when you examine the 4 study closely, they didn't really understand the 5 theory and the materials were inappropriate. So 6 then I'm going to say, "Well, as an expert, that one 7 doesn't count," okay? Not because it didn't find 8 the effect, but because it didn't really test the 9 effect. 10 And again, when you look across a vast set 11 of studies, you're going to find some that don't 12 find the effect, occasionally. But if across this 13 vast set, it's -- generally, you find this effect 14 and the effect is strong, well, that's the weight of 15 the evidence. 16 Q. Doctor, like you said that you have been 17 retained by the defense twice before as an expert, 18 correct? 19 A. Yes. 20 Q. Did you draft reports in those cases? 21 A. Yes. I did draft reports in each of those 22 cases. 23 Q. Were the studies that you cited in those 24 two cases, were they the same studies that you cited 25 in, for example, Dr. Bala's report?</p>	<p style="text-align: right;">60</p> <p>1 But when you drafted Dr. Bala's report, did you omit 2 any details about the research that might not be 3 favorable to Dr. Bala and her case? 4 A. I don't think so. I try to be very fair. 5 You know, I try to, again, represent the weight of 6 the evidence and talk about the studies accurately. 7 And -- and I don't take on cases -- I will tell you 8 that, generally, when I'm looking -- you know, when 9 a lawyer calls me, I say, "Well, let's just have a 10 phone call, and I -- I want to see the complaint or 11 whatever you have," a summary of the case, to see if 12 my expertise is relevant, or, you know, I just feel 13 it would be uncomfortable if I'm hired. 14 And, you know, I have been hired on 15 occasion, where it's like, "Well, what you have to 16 say is not really going to help us, so we're going 17 to not use you further," right? 18 But I try to weed that out when I can by 19 just, you know, seeing if -- if this is a case where 20 the research would be useful, relevant, and -- but I 21 -- you know, I make it clear that I have to -- if my 22 colleagues would read a report and say, "Oh, you 23 really misrepresented our field or our findings," I 24 don't want to do that. I -- I -- that's -- that -- 25 that would go against my -- my -- my whole career.</p>
<p style="text-align: right;">59</p> <p>1 A. Well, to the extent that they worked on 2 similar issues, that was -- the answer would be yes, 3 right? Now, I don't know what I can say about these 4 cases, because I think both of them -- I'm not -- 5 I'm not sure what their status is. Are they 6 settled? Or whether this kind of thing I signed 7 confidentiality agreements. I'm not sure what I'm 8 allowed to say, but I'll just tell you my general 9 process, and I'll give you an example that I think I 10 can talk about. The "Nikolova" case went to trial. 11 There was a judgment. So I think it's -- 12 Q. Okay. I don't mean to interrupt you, I -- 13 but I -- I just want to focus on -- and I 14 understand. I don't want you to go into any details 15 that you can't go into it, those cases. But my 16 question is, essentially, when you're hired by the 17 defense, do you highlight -- to the extent it covers 18 the same issues or same topic, do you highlight the 19 same research? 20 A. I would highlight, again, the research 21 that is consistent with the consensus of the field, 22 yes. 23 Q. When you drafted, Doctor -- I -- I'm 24 sometimes just going to say, for shorthand, "Dr. 25 Bala's report," meaning the report in this case.</p>	<p style="text-align: right;">61</p> <p>1 Q. I asked you if you omitted any details 2 about the research that might not be favorable to 3 Dr. Bala's case. Did you omit any findings or 4 entire studies that might not be favorable? 5 A. Well, again, I -- I think I've answered 6 this, but, you know, I represent the -- the weight 7 of the evidence in the field. So there's always 8 going to be some studies, like this Swedish study 9 that I talked about that's going -- that -- you 10 know, that -- there always will be that case. 11 There's a lot of ways to screw up a study, you know? 12 If you ever were in chem lab, you know, 13 maybe you didn't get the reaction you were supposed 14 to get. There -- there's a lot of ways -- when you 15 get into the details, there are lot a of ways to 16 screw up a study so you maybe don't see an effect. 17 So there's going to be some of those 18 studies and -- and there's random variation, as 19 well. So, you know, I go by the weight of the 20 evidence and get studies that are representative of 21 that and also that really are relevant to the issues 22 at hand. 23 Q. You mentioned a couple of times that when 24 you draft your reports, that you -- you like to 25 think that if you were to show the report to your</p>

<p style="text-align: right;">62</p> <p>1 colleagues, or something, that they would -- they 2 would think that -- yes, maybe they would have a few 3 nitpicks here and there, but that, overall, you -- 4 they -- they generally agreed or thought that you 5 sufficiently captured the relevant research. 6 Have you ever done that with any of your 7 reports, sent it to your colleagues, you know, even 8 if it's after the case is done, and asked to get 9 their opinion on -- on your opinions? 10 A. No. I think there's usually 11 confidentiality agreements on these cases, so I 12 don't -- I don't think that would be kosher. So I - 13 - I don't -- I don't make that a -- I don't make 14 that a practice. I'm not looking for that -- you 15 know, not -- I'm not subjecting it to that because I 16 don't think it's allowed. 17 Q. Have you received any training that would 18 allow you to determine in a scientifically reliable 19 way which witness testimony is true and which is 20 false? 21 A. So I know, I have a Ph.D. in social 22 psychology. I'm a well-known researcher. I have 23 thousands -- tens of thousands of citations. I have 24 awards. I -- I am very adept in -- in my scientific 25 field. But, you know, when you come -- when it</p>	<p style="text-align: right;">64</p> <p>1 individual discriminated, right? We know that 2 there's a general effect, that people evaluate the 3 resumes differently depending on whether it's a male 4 or female name, right? 5 So it's -- to me, it's kind of a 6 nonsensical question. We don't have some sort of 7 infallible lie detector where we can do that. And, 8 also, my understanding from my years of experience 9 is -- is that the courts do not want social 10 framework -- social framework experts to render 11 credibility judgments about witnesses. So it 12 wouldn't even be a legitimate part of my role. 13 Q. Are you familiar with the concept of self- 14 serving bias? 15 A. Yes. 16 Q. Is it fair to say that self-serving bias, 17 among other things, can be the tendency to maybe 18 take personal credit for successes and then blame 19 external factors for failures or setbacks? 20 A. Yeah. That can be part of self-serving 21 bias. 22 Q. And that's -- you're assuming you're 23 familiar with it because it's a phenomenon that's 24 been pretty well documented by social psychologists, 25 right?</p>
<p style="text-align: right;">63</p> <p>1 comes -- and I explained in my report, when it comes 2 to a specific case, there's not a scientific method 3 that I'm aware of where you could directly and 4 scientifically assess the credibility of an 5 individual, right? That's -- you know, so if you 6 look at the studies, right, you have multiple 7 participants, sometimes hundreds, sometimes, even in 8 bigger studies, thousands of participants, right? 9 And we're looking at, when we vary different 10 conditions, what happens across these different sort 11 of things. 12 So if we put a man's name on a resume, 13 take the identical resume and put a woman's name on 14 it, we randomly assign people to evaluate that 15 person for a male-dominated job versus a female- 16 dominated job, let's say. We then do an 17 experimental study and we compare averages, right? 18 Then we can detect whether discrimination occurs 19 because the qualifications are identical, right? We 20 -- we have the luxury of creating the situation 21 where we can control for everything. 22 Real life doesn't offer you that, but our 23 experiments allow us to do that, which is what's so 24 great about them because we can then detect whether 25 there is an effect, but we can't say which</p>	<p style="text-align: right;">65</p> <p>1 A. Yes, definitely. The self- and self- 2 serving bias, egocentric biases, definitely 3 something we've researched. 4 Q. It's a very -- one of the more robust and 5 common biases that's observed by social 6 psychologists, right? 7 A. Yes. Especially in Western cultures. 8 Yeah. 9 Q. If a person's employment contract is not 10 renewed, do you think that could be damaging to that 11 person's self-image? 12 A. I would think so. Yeah. Generally, sure. 13 Q. And you would agree that -- you know, that 14 could be a situation that's maybe financially 15 damaging to that person, right? 16 A. I imagine, yes. 17 Q. As a social psychologist, therefore, would 18 you, therefore, agree that a nonrenewable -- 19 nonrenewal of a contract could lead to someone 20 blaming others for that outcome? 21 A. It certainly could. 22 Q. And maybe discounting their own behavior 23 as the cause? 24 A. Yeah, that could -- that could certainly 25 happen.</p>

<p style="text-align: right;">66</p> <p>1 Q. In other words, demonstrating self-serving 2 bias, right?</p> <p>3 A. Right, yeah. And in that circumstance, 4 you'd want to look at other evidence of whether the 5 person is being accurate or inaccurate if you add 6 other potential evidence.</p> <p>7 Q. And I'll talk to you a little bit later 8 about the documents that you reviewed in this case. 9 But you did review Dr. Bala's deposition about those 10 documents, right?</p> <p>11 A. Yes. I mean, I haven't reread it since, 12 whatever, 2021. So I'm not going to be an 13 encyclopedic recall. You know, I'm not going to 14 have encyclopedic or perfect recall of -- of her 15 deposition, but yes, I've read it.</p> <p>16 Q. I'm just asking if you reviewed it.</p> <p>17 THE REPORTER: I'm sorry, Ms. Bradford, 18 could you repeat that?</p> <p>19 MS. BRADFORD: Yes.</p> <p>20 BY MS. BRADFORD:</p> <p>21 Q. I'm just asking if you reviewed it. It 22 sounds like you have, correct?</p> <p>23 A. Yes. I did in the past.</p> <p>24 Q. Do you think that self-serving bias is a 25 psychological phenomenon that the jury should know</p>	<p style="text-align: right;">68</p> <p>1 judgments about others. I'm just pointing out 2 here's what happened according to witnesses. Jurors 3 need to decide who -- which witnesses they're -- 4 they're trusting. But here's also a -- a process, a 5 timeline, where, you know, witnesses said X and 6 then, say, Dr. Hendrickson said Y. Those sorts of 7 things that I think are much more relevant to -- to 8 picking that apart.</p> <p>9 Q. So, Dr. Glick, I appreciate what you're 10 saying about that. It's not your role to make the 11 credibility judgments in this case, and I think 12 you'd agree with me that that's the role of the 13 jurors in this case, right?</p> <p>14 A. Right.</p> <p>15 Q. And that your role is, instead, to help 16 point them to the research, the, you know, 17 psychological phenomena, things like that, that can 18 aid them in making their decisions, right?</p> <p>19 A. Sure.</p> <p>20 Q. Would you agree that the concept of self- 21 serving bias is something that could aid a decision 22 maker in making a credibility judgment? Not asking 23 for your opinion on whether -- on credibility in 24 this case, but just, is that a phenomenon that could 25 aid decision-makers in evaluating testimony and</p>
<p style="text-align: right;">67</p> <p>1 about when evaluating evidence in this case?</p> <p>2 A. Well, I think the evidence in this case -- 3 you know, I would put it this way, I think that the 4 jury should not rely on -- simply on Dr. Bala's 5 perceptions. There's a lot of evidence in this 6 case, and that -- that it goes to the issue of 7 whether or not discrimination was likely. And, you 8 know, that -- the -- again, the -- the -- they -- 9 the -- my understanding is I'm not supposed to make 10 credibility judgments, and that would be kind of 11 treading on credibility judgments about Dr. Bala's 12 testimony.</p> <p>13 As you'll note in my report, I -- I don't 14 focus on Dr. Bala's testimony. I focus on things 15 like the HR investigations into specific incidents 16 where at least one or more individual claimed that, 17 say, Dr. Bala was rude or abrasive or high-handed or 18 whatever. And -- and it -- that's -- that goes much 19 more specifically to what actually happened. What 20 did people say about what happened, okay? Did 21 people exaggerate what -- what happened? Those 22 sorts of issues, those are what, to me, are 23 relevant.</p> <p>24 I'm not making credibility judgments about 25 Dr. Bala, just like I'm not making credibility</p>	<p style="text-align: right;">69</p> <p>1 making their decisions?</p> <p>2 A. I think potentially it could. It didn't 3 occur to me to -- to talk about self-serving bias. 4 I was, again, focused on the evidence from the 5 perspective of claims of discrimination. I mean, 6 you know, inherently, you know, I think the -- my 7 approach is, you know, not to rely on what the 8 plaintiff says, you know, in terms of their 9 perceptions of whether discrimination occurred, but 10 to rely on the evidence that -- that -- you know, 11 again, there's ample evidence here that goes to the 12 point more directly about whether discrimination may 13 have occurred. I don't think you see me implying 14 that Dr. Bala is necessarily more or less credible 15 than anyone else.</p> <p>16 Q. Have you received any training that would 17 allow you to read deposition testimony or other case 18 records and then infer in a scientifically valid and 19 reliable way whether a past decision was motivated 20 by gender or racial bias?</p> <p>21 A. Well, what I have is a -- a very intimate 22 knowledge of all of the research that shows the 23 circumstances under which discrimination is more or 24 less likely, so I'd say that that's relevant 25 training. I don't think there's any other kind of</p>

<p style="text-align: right;">70</p> <p>1 training that -- that -- that would exist exactly to 2 -- to enable someone to -- to make those judgments 3 in a better way. But -- so I would -- I would say 4 my -- my -- my experience and understanding of all 5 of the research is the training that's relevant to 6 that. 7 Q. Is there any research that either you have 8 done or that you have reviewed that has -- that 9 covers how to read written records and then infer 10 from those records in a scientifically -- 11 scientifically valid and reliable way whether a past 12 decision was motivated by gender or racial bias? 13 A. I don't really think that there's any such 14 training. I mean, there are methods by which you 15 can look at a transcript and -- and have words coded 16 for, you know, maybe evidence of gender bias, right? 17 Like how many -- how many words -- you know, the 18 word "shrill" used, you know, when -- in personnel 19 evaluations of women, but not personnel that -- that 20 -- more frequently than personnel evaluations of 21 men, for instance, something like that. But 22 otherwise, I can't think of any sort of formal 23 training that is available that would allow anyone 24 to do -- 25 Q. Do you agree that both male and female</p>	<p style="text-align: right;">72</p> <p>1 (WHEREUPON, a recess was taken.) 2 THE VIDEOGRAPHER: We are on the record. 3 The time is 11:42 a.m. You may now proceed. 4 MS. BRADFORD: Thank you. 5 BY MS. BRADFORD: 6 Q. So, Dr. Glick, we -- a little bit earlier 7 on, we were talking about sort of the -- the 8 variances that people can hold in terms of the 9 strength and the nature of their biases. 10 Do you agree that women and men can vary 11 in the nature and strength of the attitudes that 12 they hold towards women? 13 A. Sure. I mean -- yes. They -- I would say 14 that about any groups, right. 15 Q. And, in fact, on -- if you could go to 16 page 17 of your report, you write towards the end of 17 the first paragraph that "men, on average, tend to 18 endorse hostile sexism more than women do; for 19 benevolent sexism, gender differences tend to be 20 smaller and, in nations with stark gender 21 inequality, even reverse (i.e., women tend to 22 outscore men.)" 23 A. Yes. 24 Q. Can you please define hostile sexism? 25 A. Hostile sexism is an explicit form of</p>
<p style="text-align: right;">71</p> <p>1 surgeons or physicians sometimes engage in rude and 2 unprofessional conduct? 3 A. I'm sure -- 4 MR. BRISCHETTO: I'm going to object -- 5 before you go -- answer, I'm going to object -- 6 THE DEPONENT: Yeah. Sorry. 7 MR. BRISCHETTO: -- on the grounds of 8 vagueness and ambiguousness. Go ahead, Dr. Blick. 9 THE DEPONENT: I think we could make a 10 generalization, regardless of profession or group or 11 role, that in -- in any large group there are going 12 to be individuals. And probably, any individual 13 over the course of their life, there's going to be 14 some instance of potentially rude or whatever kind 15 of behavior you talked about. 16 MS. BRADFORD: Just give me one moment. 17 THE DEPONENT: Can I just add that to me, 18 the -- the issue -- sorry. 19 MS. BRADFORD: Sorry. Just give me one 20 moment. 21 THE DEPONENT: Okay. 22 MS. BRADFORD: Is it okay if we actually 23 take just a brief comfort break, just five minutes? 24 THE VIDEOGRAPHER: Okay. Please stand by. 25 The time is 11:36 a.m., and we are off the record.</p>	<p style="text-align: right;">73</p> <p>1 sexism where people have attitudes that women are 2 competitive, compete with men in -- in -- in often 3 unfair ways, are sort of a threat to -- to -- you 4 know, to -- to reverse power relationships. 5 So that -- so examples of items would be 6 that women get upset, you know, when they -- when 7 they're -- when they lose fairly to men, they -- 8 they claim discrimination, would be one of the 9 items, that women are trying to gain control over 10 men, that women use kind of sexual allure to -- to 11 manipulate men. It's just generally a sort of 12 resentful attitude toward women who are perceived at 13 trying to turn the tables on men. 14 Q. And then what about benevolent sexism? 15 A. Benevolent sexism has -- although, these 16 two attitudes are -- are -- are correlated 17 positively, that is, the hostile sexist is likely to 18 -- also, to some extent, be a benevolent sexist; not 19 always, but they're correlated. Benevolent sexism 20 is -- is the sort of more subtle, paternalistic, 21 softer side of sexism. It's kind of the pat you on 22 the head, "Oh, aren't you sweet?" There's an 23 underlying sense of women being less competent than 24 men, being more fragile than men, being in need of 25 men's protection and provision, and -- and kind of</p>

<p style="text-align: right;">74</p> <p>1 these delicate fragile flowers who maybe couldn't be 2 surgeons, for instance, right? 3 So it -- it -- both of them -- the reason 4 they are positively related is that both of them 5 serve the same goal to maintain -- you know, to 6 support the idea of male dominance. And -- but one 7 is the -- the stick. 8 Hostile sexism is the punishment toward 9 women who are seen as competitors to men, so 10 assertive women, things like that. Benevolent 11 sexism is more the carrot dangled toward women to 12 keep them in a more accommodating, subordinate, 13 nurturing kind of role as supporters to men, 14 enabling men to be the ones who wield power. 15 Q. Dr. Glick, did you develop the ambivalent 16 sexism inventory to measure hostile and benevolent 17 sexism? 18 A. Yes, I did, along with Susan Fiske, who's 19 up at Princeton University. 20 MS. BRADFORD: So I'm going to go ahead 21 and drag Document E, which we will mark as -- I 22 believe it's -- 23 THE REPORTER: Exhibit 4. 24 MS. BRADFORD: Exhibit 4. Yes, thank you. 25 And then I will go ahead and share my</p>	<p style="text-align: right;">76</p> <p>1 that, right? 2 A. Right. So people can agree or disagree 3 with each statement, and more or less, agree more or 4 less with it, disagree more or less with it, and 5 then you average the ones with the B designation or 6 benevolent sexism items. You average those 7 together, reversing some of the items, like in this 8 version, "In a disaster, women ought not necessarily 9 to be rescued before men." 10 That's -- that's would be scored in the 11 reverse direction. So you would reverse. So if it 12 was a 2 on that item, you'd -- you change it to a 4 13 in scoring. And then you average the items on each 14 scale, and that is your benevolent sexism and 15 hostile sexism score. 16 Q. Dr. Glick, if a person takes this test and 17 gets an average score of 5 on the hostile sexism 18 scale, what does that score indicate to you? 19 A. Well, then they, relative to other people, 20 because the -- the average score on this scale is 21 not going to be anywhere near 5, typically, they 22 would -- they would be relative toward other people 23 more strongly endorsing sexist attitudes. I would - 24 - I would say they are more fitting the profile of 25 an ambivalent sexist. But we don't have some sort</p>
<p style="text-align: right;">75</p> <p>1 screen as well. 2 (WHEREUPON, Exhibit 4 was marked for 3 identification.) 4 THE DEPONENT: Okay. Share it. 5 BY MS. BRADFORD: 6 Q. Dr. Glick, I'm sharing the ambivalent 7 sexism inventory. Do you recognize that? That's -- 8 A. I'm looking -- it -- yes. I mean, it's -- 9 it's -- it's not the version I have on my computer, 10 but, yes, it's a -- a version of -- of my scale 11 along with Susan Fiske. 12 Q. So does this document contain information 13 on how to calculate individual scores on these 14 measures? 15 A. Yes, it does. I think if you scroll down 16 a little bit, it should. No. You have to reverse 17 some items There's nowhere -- just scroll up. I 18 don't know. Usually, at the bottom, I have 19 instructions -- 20 Q. And there's -- 21 A. -- on how to do it. 22 Q. -- on here about, you know, depending on 23 if you indicate the degree to which you agree or 24 disagree with each statement, 0 being disagreed 25 strongly, 5 agree strongly, et cetera, things like</p>	<p style="text-align: right;">77</p> <p>1 of specific cut-off norm. Rather, we use this as a 2 research tool and show what do higher versus lower 3 scores on these scales predict or correlate with. 4 And there's a lot of evidence that 5 validates the scale by showing -- for instance, if 6 we get national samples, and I published a couple of 7 cross-national studies, and -- and in fact, we have 8 new data on this not yet published because we're 9 working on the finished -- finalizing the paper, but 10 across the new data, across 62 nations with tens of 11 thousands of participants. 12 If you look at nations where the average 13 score is higher on hostile sexism or higher on 14 benevolent sexism, that is correlated with actual 15 structural gender inequality. That is, those are 16 the nations where there are fewer women in 17 management roles, where women have less economic 18 independence or power, where women have less 19 political power. So all of those sorts of things, 20 that's one example of something that these scales 21 predict. 22 Q. And on the flip side, if a person takes 23 this test and gets a score of zero on either the 24 hostile or benevolent sexism, I'm assuming that the 25 reverse is true, that that indicates, albeit rarely,</p>

<p>78</p> <p>1 probably, that relative to other people are much 2 less likely to endorse sexist traits, fair? 3 A. Yes, in terms of explicit endorsement of 4 sexist attitudes. Now, that does not mean that they 5 necessarily treat men and women equally because this 6 scale is a -- is one measure. But in fact, for 7 instance, even though women score lower, on average, 8 in hostile sexism than men, backlash research shows 9 that women are generally about as likely as men to 10 dislike assertive -- you know, domineering assertive 11 high-status women. So -- 12 Q. Dr. Glick? 13 A. -- so this is not -- 14 Q. Dr. Glick? 15 A. -- the only -- 16 Q. Sorry. I'm just going to interrupt you. 17 I'm so sorry to interrupt you, but just trying to be 18 cognizant of time. I think even Mr. Brischetto can 19 appreciate we were in a bit of a long deposition 20 yesterday. I don't want your deposition to have to 21 go all day today, if it's possible to avoid that. 22 So I just want to keep you focused on just 23 my question. About what -- not going into the 24 backlash studies or anything like that, but just for 25 purposes of this score, it sounds like you agree</p>	<p>80</p> <p>1 A. Correct. Yeah. 2 MS. BRADFORD: Just you'll give me one 3 moment. I'm going to pull up -- this will be 4 Document F, which we'll mark as Exhibit 5. And I'll 5 drop it into the chat in just a moment. Share 6 screen. 7 (WHEREUPON, Exhibit 5 was marked for 8 identification.) 9 BY MS. BRADFORD: 10 Q. So, Dr. Glick, what I've put into the 11 chat, and I have on my screen, is a article -- so 12 this is what's marked as Exhibit 5 that I'm assuming 13 you are familiar with. 14 A. Yes. 15 Q. And that -- I think that's your name first 16 in the authors, titled "Bad but Bold: Ambivalent 17 Attitudes Toward Men Predict Gender Inequality in 16 18 Nations." Is it fair to say that you are familiar 19 with this article? 20 A. Yes. 21 Q. So I am going to go to page 720 in this 22 document, and there's some highlighted text in here 23 which reads that: Comparisons within nations between 24 men and women, however, offer greater comparability 25 and are illustrated in Figures 1 to 4. And then it</p>
<p>79</p> <p>1 with me -- I'm sorry -- just for purposes of this 2 test, that getting an average score of 0, however 3 rare that might occur, indicates that relative to 4 other people, that person would be less likely to 5 endorse explicit sexist traits, correct? 6 MR. BRISCHETTO: I do object to the 7 interruption in that -- in that -- with that answer. 8 I -- I saw his discussion of the backlash research 9 as responding -- responsive to your question. And I 10 think he's entitled to explain his answers. 11 BY MS. BRADFORD: 12 Q. Is that correct? 13 A. Yeah, that -- that is correct. And then I 14 just want to say, again, that -- that this, although 15 an important measure of sexist attitudes, that you 16 can score low on these scales and yet still 17 discriminate. 18 Q. And the midpoint of these scales is 2.5, 19 correct? 20 A. Yeah, that would be -- yeah, on this -- on 21 this scaling. Yeah. 22 Q. And so, again, just for purposes of this 23 scale, if you endorse sexist views more often than 24 you don't endorse them, then your score would be 25 above a 2.5 we can assume, correct?</p>	<p>81</p> <p>1 defines what "typical" means for the AMI. Is that 2 fair -- did I read that fairly? 3 A. Yeah. Sure. 4 Q. And I just point that out because I'm 5 going to, you know, go to those figures. So this is 6 on page 722 of the document. So looking at Figure 7 3, Dr. Glick, what is the average score of men in 8 the U.S. on the hostile sexism scale? 9 A. It's a -- it's between 2.0 and 2.5 in the 10 samples. They're often student samples, so these 11 are not nationally representative samples. 12 Q. Yeah. 13 A. So that -- that's, you know, between 2 and 14 2.5. 15 Q. So again, just based on this study, what 16 is the average score of women in the U.S. on the 17 hostile sexism scale? 18 A. About a little more than 1.5. 19 Q. Then I'm going to scroll down to Figure 4, 20 which is about "Benevolent Sexism Across Cultures," 21 it's titled. What is the average score of men in 22 the U.S. on the benevolent sexism scale? 23 A. So roughly about, you know, in between 2.0 24 and 2.5. Again, so pretty similar in this case to - 25 - to hostile sexism.</p>

<p style="text-align: right;">82</p> <p>1 Q. And what about for the average score for 2 women?</p> <p>3 A. Looks like it's right about 2.</p> <p>4 MS. BRADFORD: Just for the record, in the 5 U.S., again, I'm assuming not the same for every 6 nation. Okay. I'm going to stop sharing.</p> <p>7 BY MS. BRADFORD:</p> <p>8 Q. Dr. Glick, in your report, did you 9 disclose the average scores of women and men on your 10 sexism inventory based on this study anywhere?</p> <p>11 A. No, because I didn't think that that is 12 relevant.</p> <p>13 Q. Do you not think that it would be helpful 14 for a jury to know that, in fact, many women in the 15 U.S. -- many -- excuse me -- men and women in the 16 U.S. don't hold views that, according to this 17 inventory, you would characterize as hostile or 18 benevolent sexism?</p> <p>19 A. Let me tell you why I think that it's not 20 relevant. Because, first off, with explicit scales 21 such as this, we know that there are often social 22 desirability biases where people are reluctant to 23 agree too strongly with some of the items, 24 especially in student samples, where it's often what 25 we obtained. And because we don't offer sort of</p>	<p style="text-align: right;">84</p> <p>1 again, I've -- I've never -- I've always cautioned, 2 actually. Whenever anybody contacts me about the 3 scale, and they ask me, "Do you have a norm above 4 which we can label somebody sexist?" I say, "That 5 is not -- the scale is not designed to do that," you 6 know, to -- to really have a cut-off where we say, 7 "This is normative," you know? "You're a sexist, 8 you're not a sexist." We don't -- we don't use it 9 that way.</p> <p>10 We show that -- when - you know, the 11 higher scores versus lower scores on the scales are 12 associated with these other sorts of things, like, 13 say, likelihood of discriminating. And finally, 14 again, I -- I want to say that you can score low on 15 the scales and still discriminate.</p> <p>16 Q. So is it fair to say, Dr. Glick, based on 17 the explanation that you just gave, that, for -- for 18 example, a -- a study such as this -- an article 19 such as this, that there could be limitations on it 20 and limitations to how sort of you can use it and 21 interpret these figures?</p> <p>22 A. Oh, absolutely. I mean, every -- every -- 23 you know, every article, and including this article, 24 will talk about limitations. You can't -- you can't 25 publish a study without having limitations. If you</p>
<p style="text-align: right;">83</p> <p>1 norms above a cut-off, where we say, this is sexist, 2 this is not sexist. I -- I get where you're coming 3 from with, oh, if you're above 2.5, you're more 4 agreeing, if you're below 2.5, you're more 5 disagreeing.</p> <p>6 But the way we use the scales is that, you 7 know, people might be a little reluctant to reveal, 8 right -- if you think about an explicit racism 9 scale, right? Okay. People are not going to say -- 10 you know, some people will, right? But most people 11 who might hold racial bias are not going to say, 12 "Oh, I'm super biased toward black people." You 13 know, most white people are not going to say that.</p> <p>14 So what we look at is individual 15 difference, variation in this, right? And see how 16 that predicts other variables. But we don't take 17 the exact means so seriously because we know that 18 can be suppressed by people simply not wanting to 19 admit their biases, right, especially depending on 20 the context in which you ask them these questions, 21 right?</p> <p>22 And so that -- and then the other thing I 23 want to say is that if the mean is around a little 24 bit under 2.5, that means that a good portion of the 25 sample is agreeing with most of the items. So</p>	<p style="text-align: right;">85</p> <p>1 -- if you sent one in, the reviewers are all going 2 to say, "Well, wait, what about the limitations?" 3 You -- you know, there's no single perfect study. 4 There's better and worse studies, that's for sure, 5 higher quality and lower quality. But there's no 6 study without limitations.</p> <p>7 Q. Yeah. So -- so given that, Dr. Glick, for 8 the studies that you do cite to in your report and 9 that you do rely on, in your report, did you make 10 note of the limitations of those studies?</p> <p>11 A. And I think I made very clear that we're 12 talking about average differences, which is one of 13 the, you know, things, you know, as general context 14 to keep in mind. So that's -- that's a limitation. 15 And -- and of -- I think, clear about the 16 circumstances under which discrimination is more or 17 less likely and how this doesn't necessarily mean 18 that discrimination always occurs in, say, 19 circumstance X or Y.</p> <p>20 You know, if I wrote a report discussing 21 the intricacies of each study, then it's going to, 22 you know, I don't know, what, be two, three, four, 23 five times -- 10 times longer. It's -- it just -- 24 really, I'm trying to translate to a more general 25 audience the consensus of the findings.</p>

<p style="text-align: right;">86</p> <p>1 And the other thing I will say is that the 2 weaknesses of one study can be made up for by the 3 strength of others. So for instance, experimental 4 studies are great at picking apart causality, what 5 leads to what, under what circumstances of 6 discrimination, or less likely, making perfect 7 comparisons where the only thing different is gender 8 of the name on the article. 9 Organizational studies, there's going to 10 be a little bit -- they're going to be a little bit 11 messier. But if these studies all show a consistent 12 pattern, then the -- the shortcomings of one type of 13 study are made up for by the strengths of another. 14 So again, I'm giving the general 15 consensus. I think it would be unwieldy really 16 impossible to -- you know, what you do in a -- in a 17 journal article report, you can see that -- I assign 18 these studies to my students. They have a very 19 difficult time, even after training in research 20 methods and psychology, you know, getting through 21 all of the intricacies of these studies. 22 Q. Do you have any idea how any of the 23 persons involved in this case would've scored on 24 your sexism measures? 25 A. No, I don't. And I don't -- don't assign</p>	<p style="text-align: right;">88</p> <p>1 He's using the woman as a human shield. 2 If the woman did the same thing, I think 3 no matter how you scored on my benevolent sexism 4 scale, you wouldn't think twice about it, right? So 5 there's some of this is kind of baked in as cultural 6 ideology and not necessarily captured by the scale. 7 Q. Do you believe that persons with high 8 sexism scores are likely to behave differently than 9 persons with low sexism scores? 10 A. In certain circumstances, yes. I mean, we 11 show empirically that these attitudes are correlated 12 with, you know, different kinds of discrimination. 13 There's a -- a recent, what's called a systematic 14 review of -- of all the ambivalent sexism studies 15 that branches across all these different studies, 16 bears across all these different studies to look at 17 what has been established repeatedly in research and 18 what -- what things, you know, you can take away 19 about -- they are related to discrimination. So 20 they do predict discrimination in different 21 circumstances and different types of discrimination. 22 Q. Dr. Glick, how often do people holding 23 sexist or benevolent -- excuse me -- hostile sexist 24 or benevolent sexist views discriminate against 25 women in the workplace?</p>
<p style="text-align: right;">87</p> <p>1 any, you know. You know, I don't speculate about 2 that. 3 Q. I'm assuming you didn't administer the 4 ambivalent sexism inventory to anyone involved in 5 this case, correct? 6 A. Well, here's a perfect example of social 7 desirability bias. Your organization and you 8 personally are named in a lawsuit, and I give you a 9 sexism scale. I think you would have to be pretty 10 foolish or clueless to -- to -- to be -- you'd be 11 gaming the -- the -- the items. I mean, I think 12 that would just be sort of natural. So it's just 13 not -- you know. I'm using this because it's an 14 entree into understanding how individual differences 15 in sexist attitudes relate to discrimination. 16 But again, I think I use the example in my 17 report, right, of attitudes toward men. Men are 18 supposed to be brave. If a couple is walking down 19 the street -- a heterosexual couple is walking down 20 the street, and a rabid dog comes charging, and the 21 man jumps behind the woman and uses her as a human 22 shield. I don't care how you score on my scale. I 23 think most people -- and this is not empirically 24 determined, but I think most people would say he's a 25 terrible boyfriend, right? He's a terrible husband.</p>	<p style="text-align: right;">89</p> <p>1 A. I mean, as how often, I mean, I can't -- 2 you know, we can't assess like sort of a frequency 3 question like that, right? We can say they're more 4 likely to, and -- and we can talk about what kinds 5 of discrimination they're more likely to engage in. 6 How frequently this occurs is, you know, not an 7 issue. If I do an experiment in this, I can't say 8 how frequently this occurs in -- in organizations. 9 Now, organizational studies can give us 10 some sense of how pervasive this is, but I don't 11 think they either can tell us how frequently, right? 12 I mean, here's -- here's an example: this case. Did 13 discrimination occur or not? We have a whole legal 14 case on this, right? You know, can -- can you say 15 for sure -- you know, we wouldn't have a legal case 16 if we could determine in -- in all instances whether 17 it was discrimination or not, right? 18 But crunching across the data, we can see 19 things about, you know, for instance, where we do 20 experimental studies, we can see whether hostile 21 sexists are less likely to hire a woman for a high- 22 status masculine job and people score low on the 23 scale. 24 Q. Dr. Glick, earlier you brought up the term 25 "meta-analysis," and I know this isn't exactly, I</p>

<p style="text-align: right;">90</p> <p>1 think, how you defined it, but is it correct that a 2 meta-analysis is a study that collects, essentially, 3 all the research on a topic and then aggregates the 4 findings from those studies and provides a 5 statistical estimate of effect size or like the 6 strength of the relationship between the variables; 7 is that -- is that fair? 8 A. That's fair, yes. 9 MS. BRADFORD: So I'm going to pull up 10 Document G, which would be Exhibit 6, I believe? 11 THE REPORTER: Yes. 12 (WHEREUPON, Exhibit 6 was marked for 13 identification.) 14 MS. BRADFORD: Okay. Give me just a 15 moment. 16 BY MS. BRADFORD: 17 Q. So, Dr. Glick, this is a meta-analysis 18 conducted by Jones and colleagues that was published 19 in 2017. Are you generally familiar with this 20 meta-analysis? 21 A. I am generally familiar with it, yes. 22 Q. Okay. So the abstract or the summary here 23 essentially states that this study provides the 24 first meta-analysis comparing the relationship of 25 racism, sexism, and ageism -- ageism to workplace</p>	<p style="text-align: right;">92</p> <p>1 against women, that sexist and ageist attitudes were 2 not associated with biased performance evaluation, 3 and that sexism was not related to opposition to 4 organizational policies designed to benefit women. 5 Did I read that highlighted text correctly? 6 A. Yes. 7 Q. And then, moving down that, I'm not going 8 to read -- not going to read all the equations out 9 loud, but that: The IAT measures were associated 10 with opposition to diversity policies but were not 11 related to discriminatory selection or performance 12 evaluation. Did I read that right, Dr. Glick? 13 A. Yes. 14 Q. Now, I'm going to go to page 18, which 15 states that: As can be seen in Table 6, benevolent 16 sexism and hostile sexism were differentially 17 related to workplace discrimination. However, 18 contrary to our initial reasoning, benevolent sexism 19 was negatively associated with workplace 20 discrimination whereas hostile sexism was not 21 related to workplace discrimination. And did I read 22 that correctly? 23 A. Yes. 24 Q. Okay. So do you agree that this meta- 25 analysis, this one in particular, found that there</p>
<p style="text-align: right;">91</p> <p>1 discrimination, correct? 2 A. Correct. 3 Q. Okay. So I'm going to go to page 5. And 4 on page 5, this talks about the various research 5 that's covered by the meta-analysis. Do you agree 6 that it covered studies that measured, for example, 7 hostile -- hostile sexism, benevolent sexism, 8 ambivalent sexism, and implicit sexism, among other 9 things? 10 A. Yes. 11 Q. I'm going to go to page 16 now, and I'll 12 go ahead and just read this highlighted text. So it 13 reads, "The 95 percent confidence intervals around 14 racism and ageism did not include zero, suggesting 15 both racism and ageism were significantly related to 16 workplace discrimination. In contrast, the 95 17 percent confidence interval around sexism included 18 zero, indicated the -- indicating the relationship 19 between sexism and overall workplace discrimination 20 is not statistically different from zero." Did I 21 read that text correctly? 22 A. Yes, you did. 23 Q. Then going to page 17, again, there's some 24 highlighted text here which includes: sexism was not 25 significantly related to discriminatory selection</p>	<p style="text-align: right;">93</p> <p>1 was no relationship between any form of sexism and 2 workplace discrimination? 3 A. Well, workplace discrimination on certain 4 variables, right? So for instance, we know that for 5 hiring discrimination there is, at best, kind of 6 weak effects on hiring discrimination. But when you 7 look at promotions, there are large effects in 8 discrimination against women, right? So these are - 9 - it's a complex picture, right? Which I try to 10 convey in my -- my report, and this -- this case 11 doesn't revolve around hiring, right? You have the 12 paradox. Women get hired, but then they don't get 13 promoted for the same level of workplace evaluation, 14 right? So -- so there's the other thing. 15 The -- there's another meta-analysis that 16 I think I cite in my report, Joshi, Son, and Roh, 17 where they looked across organizational evaluations, 18 actual organizational evaluations, and what they 19 found is there was a minor effect of discrimination 20 that was really trivial in terms of discrimination 21 against women in performance evaluations overall. 22 However, when it came to promotions, the same 23 performance evaluations and -- and also salary -- so 24 they looked at rewards. They kind of crunched those 25 together. When it came to promotions, salary,</p>

<p style="text-align: right;">94</p> <p>1 bonuses, rewards, tangible rewards, men got rewarded 2 at higher rates for the same performance evaluations 3 as women. 4 So really, it's a matter of the forms that 5 discrimination takes and when it occurs or toward 6 whom it occurs. When you do some of these meta- 7 analysis -- the Joshi, Son, and Roh meta-analysis to 8 me is -- is particularly informative because they 9 have both performance evaluations and rewards. And 10 what they show is you don't get much of an effect on 11 performance evaluations, but you get a big effect on 12 rewards, right? And to me, that's the epitome of 13 discrimination. Same performance, differential 14 reward, right? 15 So that -- you -- again, you need to kind 16 of understand the nuances of where the 17 discrimination occurs and how it occurs. And the 18 other nuance that you have to understand is that -- 19 as I was talking about before, with backlash, right? 20 Women score lower in hostile sexism, but they're 21 just as likely to show backlash, typically and 22 sometimes more so than men, toward assertive women. 23 So you know, again, despite it being my 24 scale, hostile sexism, benevolent sexism, these are 25 not the only things that are relevant to whether</p>	<p style="text-align: right;">96</p> <p>1 receive more praise than men, but that praise does 2 not translate into reward. You also have to also 3 keep in mind, you know, moderator variables, like 4 the type of occupation, is it a male-dominated 5 occupation, a female-dominated occupation where 6 you'd expect things to work differently. 7 Q. So just -- just so we have some clarity on 8 this. I know I had read some of this previously, 9 but Dr. Glick, can you just read for me this -- this 10 part here? This clause that just starts with 11 "benevolent sexism"? 12 A. "Benevolent sexism was negatively 13 associated with workplace discrimination." 14 Q. And can you -- 15 A. But again -- 16 Q. -- how -- 17 A. -- was that in -- 18 Q. Can -- can you now tell me -- 19 A. I want to know what the dependent variable 20 is here, that is, was this in hiring? 21 Q. And, Dr. Glick, I'm just asking you to 22 read the text, okay? 23 A. Yeah. I read it. 24 Q. The -- the next clause that starts with 25 "whereas."</p>
<p style="text-align: right;">95</p> <p>1 discrimination occurs. And when you have formal 2 systems where there's kind of guardrails, you might 3 get less bias in performance evaluations, but -- but 4 you still see that difference in rewards. 5 Q. So, Dr. Glick, just to be -- just to be 6 clear about it, and I understand the -- the various 7 nuances that you have discussed, things like that, 8 that are important to consider with -- with this 9 study and any -- any studies. But just to be clear, 10 this meta-analysis found that IAT measures, meaning 11 the implicit association test measures, were not 12 related to discriminatory selection or performance 13 evaluation. It found that, correct? 14 A. Yes, correct. And that's consistent with 15 what I'm talking about. It's not really so much in 16 hiring and informal performance evaluations per se, 17 but in how then that translates into personnel 18 actions like promotions, rewards, punishments, 19 things like that. 20 Q. And this study also found that benevolent 21 sexism was negatively associated with workplace 22 discrimination, correct? 23 A. I'd have to go back and look exactly at 24 it, because when it comes to performance 25 evaluations, as is detailed in my report, women</p>	<p style="text-align: right;">97</p> <p>1 A. "Whereas hostile sexism was not related to 2 workplace discrimination." 3 Q. Dr. Glick, did you cite to this meta- 4 analysis in your report? 5 A. No, I did not. 6 Q. Why not? 7 A. Because a more recent systematic analysis 8 of ambivalent sexism contradicts this to some 9 extent. And I think the issue is not really 10 completely settled for that reason. In addition to 11 that -- so there's not -- you know, the -- the 12 evidence is pointing in different directions. But 13 in addition to that, as I just explained, it's not 14 so much in -- you know, in discrimination -- we're 15 not dealing with hiring discrimination. And hiring 16 discrimination effects tend to be very weak. That 17 is, women often do get hired. But when it comes to 18 -- later personnel decisions, that's where you see 19 the bias. 20 The Joshi, Son, and Roh meta-analysis 21 shows, again, that it's not so much in performance 22 evaluations, it's really in personnel decisions. 23 On top of that, you know, if we're looking 24 at an individual person, it -- it really, again, 25 depends on the type of job and also the -- who --</p>

<p>98</p> <p>1 who is being discriminated -- who is -- who is being 2 evaluated, right? 3 As I've explained, repeatedly, backlash 4 effects occur. They seem to be independent of 5 hostile sexism, right? Even women who score lower 6 on hostile sexism tend to show backlash effects. So 7 that type of discrimination, which is a specific 8 form of discrimination, it may not be captured in 9 this particular set of studies, that sort of 10 discrimination occurs -- you wouldn't necessarily 11 expect it to be predicted by hostile sexism. 12 Q. So, Dr. Glick, just so I'm clear, just for 13 purposes of the record, you mentioned that there was 14 the most recent systematic analysis that you felt 15 contradicted this study. Which -- which one is 16 that? 17 A. It's not in my report, either. It's 18 Bareket and Fiske, a systematic review of ambivalent 19 sexism. That includes, you know, not just 20 discrimination, but all sorts of other aspects of 21 ambivalent sexism, where they looked at all 22 empirical studies across all of ambivalent sexism. 23 It took, I guess, about a year and a half to -- to 24 produce. So -- so there's that study, as well. 25 Q. And -- and please correct me if I'm wrong,</p>	<p>100</p> <p>1 THE DEPONENT: Dr. Glick. 2 MR. BRISCHETTO: I'm -- sorry, Peter. 3 THE DEPONENT: Yeah, that's fine. 4 I -- I don't recall about that, but I 5 trust your rendering of it. But I don't recall. 6 And again, the issue -- okay. And this is -- 7 MS. BRADFORD: Dr. Glick -- let me ask you 8 is, Dr. Glick -- 9 THE DEPONENT: -- this is -- this is a -- 10 MS. BRADFORD: Let me ask you this -- 11 THE DEPONENT: I just want to say another 12 thing. I mean, the issue is -- 13 BY MS. BRADFORD: 14 Q. Dr. Glick, I'm going to interrupt you. 15 Let me just ask you this, because maybe this will 16 help clarify it. You've been able to differentiate 17 this study saying that it has limitations because 18 this wasn't a case so much about hiring. Why are 19 you not able to differentiate the studies that are 20 about promotion? 21 A. I'm not sure what you're asking. 22 Q. So you -- you were able to recall that 23 this case and the issues in this case did not -- 24 were not issues about the hiring of Dr. Bala, 25 correct?</p>
<p>99</p> <p>1 but I think you were talking about how, you know, 2 some of the issues and the limitations -- 3 A. Uh-huh. 4 Q. -- was focused on hiring as compared to -- 5 and you were mentioning another study that focused 6 more like promotion and -- 7 A. Right. 8 Q. -- and things like that. I think it's 9 fair to say that you -- you've reviewed a lot of 10 documents related to this case, right? 11 A. Yes. 12 Q. And are you aware that in this case, Dr. - 13 - Dr. Bala was not denied a promotion at OHSU? 14 A. I'm not recalling that specifically at the 15 moment, but, you know, the -- the -- we're talking 16 about personnel actions. The personnel action 17 that's at -- at issue, I think, in this case, is the 18 nonrenewable contract. 19 Q. Are you aware that while she was at OHSU, 20 Dr. Bala actually received a promotion? 21 A. I -- 22 MR. BRISCHETTO: Objection it assumes -- 23 THE DEPONENT: -- don't recall -- 24 MR. BRISCHETTO: -- facts not in evidence. 25 Go ahead, Dr. Fiske.</p>	<p>101</p> <p>1 A. Sure. Oh, yeah. 2 Q. But you're not able to recall whether or 3 not she received a promotion? 4 A. Yeah. I mean, it's been -- you know, when 5 I reviewed all the documents, that was quite a long 6 time ago. And -- and obviously, she had to be 7 hired, otherwise she wouldn't be there. So that's 8 kind of a -- you know, a safe assumption that she 9 had to be hired. I don't recall the particular 10 course of her career before these issues related to 11 perceiving her as abrasive and so on led to the 12 nonrenewable contract. 13 Q. Dr. Glick, I want to talk about -- this 14 has already come up a little bit, but the frequency 15 of the phenomena that you cover in your report. So 16 on pages -- starts on page 14. But this section is 17 titled, "People Tend to Deny Biases; Use Pretext to 18 Justify Discrimination." So you use the word "tend" 19 there. You say that "people tend to -- 20 A. Right. 21 Q. -- biases." How often do people tend to 22 deny biases? 23 A. Well, again, when we do studies on this, 24 we're not looking at -- you can't -- you can't -- 25 again, I can't really answer that question, right?</p>

<p style="text-align: right;">102</p> <p>1 I mean, I don't think there's -- there's a way to 2 quite test that because you'd have to know in the 3 real world whether this was a discriminatory act, 4 which, you know, if there are pretexts, that's 5 difficult to pick apart. That's why you have a 6 legal case, right? If you had people saying, "Oh, 7 we -- we totally axed her because she's an assertive 8 woman," you know, that's -- that's -- that's not how 9 things work, right? 10 So how do you -- how would you possibly 11 assess frequency in the real world of this 12 phenomenon? You can look at things like, are there 13 differential rates of promotion given the same -- 14 the same degree of favorable evaluation, right? You 15 can look at those kinds of things. But you can't -- 16 you can't answer the question, right? There's just 17 really no way to -- to -- to answer that question. 18 But we -- we can say is that when we study this in 19 experiments, is that people deny that they're 20 discriminating when clearly there was a -- a 21 difference between how, say, a man was evaluated 22 versus a woman was evaluated. 23 Q. So speaking of those studies, so I -- I 24 think -- it looks like you cite two -- four sources 25 in this section of your report. So in these</p>	<p style="text-align: right;">104</p> <p>1 the target was a male? 2 Well, typically in these studies, they 3 can't be in both conditions because that would tip 4 off what the study is about, right, and change 5 potentially their responses. So we don't know, 6 right? Is that just a person who is very reactive? 7 We don't -- we don't know, but we can look in the 8 aggregate and say there's something going on. 9 There's a double standard. And that's what I want 10 to say is really what needs to be focused on is -- 11 is -- you know, you mentioned people having rude 12 behavior. Well, for the same behavior, is it more 13 likely for a woman to be punished than a man? 14 That's about the double standard, right? 15 You know, at some level, there might be 16 some behavior so off the charts that everybody will 17 be punished, right? But for, you know, other 18 behaviors, if there's a double standard, that's the 19 problem. 20 Q. Dr. Glick, which of the studies that you 21 cite here examined a representative sample of 22 employers? 23 A. Representative sample of employers. I 24 don't know if any study has really done a 25 representative sample of employers. I mean, that</p>
<p style="text-align: right;">103</p> <p>1 studies, how many of the participants denied bias? 2 A. Well, again, you know, it would just be an 3 average that would be reported. So it's not like -- 4 you know, it's not reported as -- usually as, like, 5 a distribution so that -- you know, it's -- it's -- 6 it's the -- the contrast between on average bias is 7 occurring with on average people. The -- the -- the 8 mean for, you know, people acknowledging it as bias 9 is extremely low. 10 Q. So is it fair to say that the studies then 11 also don't say specifically how many participants 12 used a pretext to justify their discrimination? It 13 was just about what was sort of reported on average? 14 A. Yeah. I think that's fair to say, and I - 15 - I think I've said something to that effect before 16 that, you know, how we do these studies, we can't 17 pick apart who exactly is necessarily 18 discriminating, right? So let's say that, you know, 19 people have a harsher reaction -- one individual has 20 a really -- is -- who happens to be randomly 21 assigned to the condition of evaluating a -- a 22 female target has an extremely harsh reaction to her 23 as abrasive and so on, and kind of like a backlash 24 study. Is that person discriminating? Would they 25 do the same if they had been in the condition where</p>	<p style="text-align: right;">105</p> <p>1 would be pretty impossible, right? 2 It's very expensive to get a 3 representative sample of individuals, and you can't 4 get, like, a worldwide representative sample. That 5 would be also impossible, you know, to get companies 6 to agree to, say, you know, have -- have their 7 personnel files examined, and to randomly select 8 them and get them to agree. You can imagine 9 probably their in-house counsels are not going to be 10 too thrilled with that in a lot of cases. 11 So I'm not aware of any. That would be a 12 true random sample. Random assignment is frequent 13 in -- is part of experiments. Random selection is a 14 different story. Getting a random sample of all -- 15 you know, representative sample of all companies, I 16 mean, that -- I don't think anybody could do that. 17 Q. So which of these -- I'm assuming based on 18 the answer that you just gave the answer is going to 19 be none. But which of these four studies involve 20 actual managers and employees interacting? 21 A. Which four studies are you referring to? 22 Q. The ones in this section on page 14 23 through 15. 24 A. 14 through 15. Are you talking about -- 25 which -- which footnotes are you talking about?</p>

<p style="text-align: right;">106</p> <p>1 Q. It'd be footnotes 21 through 24. I think 2 it's actually 22 through 24 are the ones that you 3 cite to for this section. 4 A. And what's your question about it, random 5 samples? 6 Q. Are any of these studies from footnotes 22 7 through 24 -- did any of them involve actual 8 managers and employees interacting? 9 A. Actual managers and employees. I don't 10 think so, but I -- no, I -- I would -- don't think 11 so. 12 Q. And of those -- 13 A. These are studies more about basic 14 processes and -- right. 15 Q. And so of those same studies, did any 16 involve more than a brief interaction? Can you 17 recall that? 18 A. I don't think so. Yeah, I would say -- I 19 would say probably not. 20 Q. Dr. Glick, if a result reported in a study 21 is statistically significant -- you kind of covered 22 some of this. But does that tell us exactly how 23 many people behaved badly? 24 A. No. Again, I think I covered that. You 25 know, when you're comparing across averages, you --</p>	<p style="text-align: right;">108</p> <p>1 ambivalence lead to extreme responses to women? 2 A. Well, again, yeah, I don't think we can 3 put a number on the frequency in real life. We can 4 say that in studies we see some, you know, things 5 that are correlated with sexist ambivalence, 6 different reactions. But you -- I can't give you a 7 frequency estimate. So I say, again, I can't really 8 answer that. Can't give you an -- an -- an 9 estimate. 10 Q. In -- in this section, your -- the 11 applicable footnotes are -- they start at 37 and go 12 through, looks like 41. So that's -- so when I say 13 "studies," that's what I'm -- I'm talking about 14 those ones here, Dr. Glick. 15 A. Uh-huh. 16 Q. In those studies, did any of them involve 17 actual managers reacting to female employees in the 18 workplace? 19 A. I don't think. And -- well, in the Hebl, 20 et al study, those were, you know, potentially store 21 managers. It was a field experiment. 22 Q. Okay. Do any of these studies involve 23 people reacting to male or female physicians in a 24 operating or procedure room? 25 A. Sorry. Say it again.</p>
<p style="text-align: right;">107</p> <p>1 you know -- you can know whether the effect tends to 2 be in the aggregate, larger or smaller, but you 3 can't -- you can't say, you know, "Joe Smith in this 4 condition necessarily discriminated." 5 Q. Dr. Glick, on page 19, you state that 6 "sexist ambivalence leads to extreme responses 7 towards women." 8 A. Yeah. There's more of what's called 9 response polarization. 10 Q. And -- and I'm just asking if that's -- 11 just confirming that's what you wrote on your 12 report, right? 13 A. Right. 14 Q. Do you know whether any of the persons 15 involved in this case have sexist ambivalence views? 16 A. Well, again, I'm not -- and I'm not 17 classifying individuals in that way. No. I mean, 18 I'm providing a framework to understand kind of how 19 sexism works. Not -- I'm not characterizing 20 specific individuals. 21 Q. I understand what you have sort of 22 explained earlier -- earlier about frequency and the 23 difficult was -- the difficulty with sometimes 24 talking about frequency, but I'm going to ask this 25 question anyway. How frequently does sexist</p>	<p style="text-align: right;">109</p> <p>1 Q. Again, same studies. Do any of them 2 involve persons reacting to male or female 3 physicians in a operating or procedure room? 4 A. No. 5 Q. On page 24, you state that: Stereotypes 6 are more likely to affect perceptions when people 7 make subjective judgments and when behavior or 8 information about a person allow room for 9 interpretation. Did I read that correctly? 10 A. Yeah. I think so. 11 Q. I think I know the answer to this, but are 12 you able to say how often stereotypes affect 13 subjective judgments? 14 A. Yeah, again, frequency, I don't think I 15 can give you some sort of estimate on frequency. 16 Q. So when you say "more likely" here, what - 17 - what do you mean? 18 A. I mean that when we look at studies or 19 just think about logically, right? Let's say we're 20 evaluating you on how many widgets you produce, and 21 you produce X number of widgets, and we count them. 22 You know, we're not kind of leaving room for bias to 23 creep in. But if we're, you know, making inferences 24 about what your motives are, right, in the 25 interaction. Are you -- are you looking out for</p>

<p style="text-align: right;">110</p> <p>1 yourself? Are you a good team player, right?</p> <p>2 There's a lot more room for subjective</p> <p>3 differences in -- in how we conclude this. And we</p> <p>4 know that there are confirmation biases from lots of</p> <p>5 studies on -- tons of studies on confirmation bias,</p> <p>6 that if you suspect somebody's motives, you're more</p> <p>7 likely to conclude that, you know, maybe they're not</p> <p>8 the team player, that they're self-interested, or</p> <p>9 that they're manipulative. So it leaves room for</p> <p>10 bias to creep in.</p> <p>11 Q. So, Dr. Glick, focusing on the studies</p> <p>12 mentioned in footnote 59 through -- actually,</p> <p>13 through 64, so going on to page 26, how many of</p> <p>14 those studies involve supervisors making judgments</p> <p>15 about employees?</p> <p>16 A. I'm not sure about the Heilman. She's an</p> <p>17 -- an organizational psychologist that might be more</p> <p>18 likely to do that, but I'm not aware if any of them</p> <p>19 necessarily have that.</p> <p>20 Q. And what about colleagues making judgments</p> <p>21 about fellow employees?</p> <p>22 A. I think, generally, you're looking at</p> <p>23 experimental studies here, and typically, those are</p> <p>24 created situations rather than, you know, in actual</p> <p>25 organizations. And again, you look for the sort of</p>	<p style="text-align: right;">112</p> <p>1 Q. Okay. And we've already -- I've already</p> <p>2 covered some questions about Dr. Bala and her</p> <p>3 promotion status at OHSU, but I want to ask a little</p> <p>4 bit more about this meta-analysis.</p> <p>5 So it also examines whether performance</p> <p>6 ratings of female employees were lower than those of</p> <p>7 men. And it found that, in fact, women on average,</p> <p>8 received higher rates, didn't it?</p> <p>9 A. I -- right. And that's where I'm saying</p> <p>10 that the action isn't necessarily so much in hiring</p> <p>11 or in overall performance evaluations, but rather in</p> <p>12 personnel decisions based on those performance</p> <p>13 ratings. And that's where the Joshi, Son, and Roh</p> <p>14 is kind of a superior meta-analysis.</p> <p>15 It's -- it's -- it's bigger, and it has</p> <p>16 the actual performance evaluations as well as reward</p> <p>17 allocations. So not just sort of ratings of</p> <p>18 promotion potential, but this is -- you know, does</p> <p>19 it actually translate into rewards like promotion?</p> <p>20 And -- and again, that's -- that's the finding I was</p> <p>21 referring to. To the -- the action seems to be in,</p> <p>22 you might hire the woman, you might say, yes, she's</p> <p>23 performing well, but -- and again, it's always in</p> <p>24 this comparison, right? A woman might be promoted,</p> <p>25 but is she promoted as quickly as a man? Is she</p>
<p style="text-align: right;">111</p> <p>1 triangulation of do you find parallel effects in the</p> <p>2 organizational studies.</p> <p>3 Q. So just to be clear, none of those</p> <p>4 studies? None of these --</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. On page 13 of your report -- I</p> <p>7 realize we're jumping back and forth. So I can keep</p> <p>8 everybody on their toes. You mention a meta-</p> <p>9 analysis conducted by Roth, Purvis, and Bobko</p> <p>10 titled, "A Meta-analysis of Gender Group Differences</p> <p>11 for Measures of Job Performance in Field Studies."</p> <p>12 A. Right.</p> <p>13 Q. I'm assuming you're familiar with it --</p> <p>14 A. Yeah.</p> <p>15 Q. -- with it, right?</p> <p>16 A. Yeah.</p> <p>17 Q. And this meta-analysis focused on field</p> <p>18 studies and examined actual performance ratings of</p> <p>19 female and male employees, didn't it?</p> <p>20 A. Yes, I believe so.</p> <p>21 Q. Okay. And I think you mentioned on page</p> <p>22 13 that this meta-analysis found supervisors to be</p> <p>23 more likely to rate men as having a higher promotion</p> <p>24 potential; is that right?</p> <p>25 A. Right.</p>	<p style="text-align: right;">113</p> <p>1 promoted as high as a man? And this is, again, on</p> <p>2 average, across, right, of crunching all these data</p> <p>3 -- all the data.</p> <p>4 But the Joshi, Son, and Roh -- both of</p> <p>5 these studies are kind of consistent with each</p> <p>6 other. But the Joshi, Son, and Roh is, I would say,</p> <p>7 the -- even better than the Roth, et al study</p> <p>8 because it has both the actual performance</p> <p>9 evaluations and the reward decisions.</p> <p>10 Q. Dr. Glick, in your report, do you state</p> <p>11 that it's your opinion that the Joshi, Son, and Roh</p> <p>12 is the more preferable study, at least in your</p> <p>13 opinion?</p> <p>14 A. I don't know that I state that, but I</p> <p>15 present them both that they're showing something</p> <p>16 consistent. And -- and, you know, these are unusual</p> <p>17 --- it -- it's unusual to have a study like the</p> <p>18 Joshi, Son, and Roh, right? I mean, that's a pretty</p> <p>19 ambitious and a great sample. So it's, to me, a</p> <p>20 particularly high-quality study. They show similar</p> <p>21 things. So I didn't -- I don't think I thought it</p> <p>22 was relevant to -- to start picking apart which one</p> <p>23 might prefer.</p> <p>24 Q. And in fact, you -- as we've established,</p> <p>25 you do rely and cite to the Roth meta-analysis,</p>

<p style="text-align: right;">114</p> <p>1 right?</p> <p>2 A. Sure.</p> <p>3 MS. BRADFORD: So while we are on that,</p> <p>4 I'm going to pull up Document H, which will be</p> <p>5 marked as Exhibit 7. Bring that into the chat.</p> <p>6 (WHEREUPON, Exhibit 7 was marked for</p> <p>7 identification.)</p> <p>8 BY MS. BRADFORD:</p> <p>9 Q. Is this that meta-analysis --</p> <p>10 A. Yeah.</p> <p>11 Q. -- that --</p> <p>12 A. Looks like it.</p> <p>13 Q. Now, this meta-analysis used D scores to</p> <p>14 assess the magnitude of differences in the ratings</p> <p>15 of men and women, correct?</p> <p>16 A. I mean, I don't have, again, encyclopedic</p> <p>17 or photographic recall, so I haven't looked at the</p> <p>18 study for a while, but yeah, that would be pretty</p> <p>19 common.</p> <p>20 Q. Can you explain what a D score is?</p> <p>21 A. So a D score is a way to sort of</p> <p>22 standardize the measurement of a difference between</p> <p>23 means. So you can kind of get a -- shorthand it's -</p> <p>24 - it's a -- an assessment of effect size. Is the</p> <p>25 effect relatively larger or relatively smaller?</p>	<p style="text-align: right;">116</p> <p>1 much better than men, right? We -- we don't know,</p> <p>2 right? So there could still be hidden</p> <p>3 discrimination here, but the -- the action doesn't</p> <p>4 seem to be so much in performance evaluations, but</p> <p>5 in rewards.</p> <p>6 Q. Now, I'm going to page 728. And I'll go</p> <p>7 ahead and read this highlighted. Again, I -- I'll</p> <p>8 skip the -- the parentheticals, but: We also report</p> <p>9 results of supervisory or subjective ratings versus</p> <p>10 objective measures. Results for supervisory ratings</p> <p>11 indicate that the D score is .14 with a credibility</p> <p>12 interval of -.29 to .01. Objective measures are</p> <p>13 associated with a D score of .02. Did I read that</p> <p>14 correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Is it fair to say that the -- this Roth</p> <p>17 meta-analysis tested your hypothesis that subjective</p> <p>18 judgments are more likely to be biased against women</p> <p>19 and found that that was not true?</p> <p>20 A. Well, here you're having a crunching</p> <p>21 against a -- a -- all sorts of different kinds of</p> <p>22 jobs, and we don't have -- we don't have, you know,</p> <p>23 this absolute knowledge of exactly how people are</p> <p>24 performing, what constitutes objective measures.</p> <p>25 I'd have to see more detail on exactly what that</p>
<p style="text-align: right;">115</p> <p>1 Q. Right. The -- it's a standard --</p> <p>2 A. It's a mean difference when you</p> <p>3 standardize it relatively big or relatively small.</p> <p>4 Q. Correct.</p> <p>5 A. So we could imagine that, say, there's a</p> <p>6 drug that you could take that would reduce your risk</p> <p>7 of some sort of disease, but we could imagine that</p> <p>8 could have either a -- a really big effect on</p> <p>9 reducing your risk or it could have a small effect,</p> <p>10 and then that might weigh into, you know, whether</p> <p>11 you think it's worth it to take it.</p> <p>12 Q. I'm going to turn -- well, I have turned</p> <p>13 to page 727, and I'll go ahead and -- and read this</p> <p>14 highlighted text: The overall analysis of job</p> <p>15 performance measures resulted in a mean corrected D</p> <p>16 score of -.11. This suggests that females, on</p> <p>17 average, were rated as performing somewhat better</p> <p>18 than males in operational field settings. I read</p> <p>19 that, right, correct?</p> <p>20 A. Right. Yes. And this is consistent with</p> <p>21 what I said before. That the, you know -- and --</p> <p>22 and we don't know exactly how they're performing,</p> <p>23 right, because we don't -- we don't have an</p> <p>24 objective. We don't know if this is discriminatory,</p> <p>25 or women are just doing better. They might be doing</p>	<p style="text-align: right;">117</p> <p>1 would be. And -- and are these jobs where we expect</p> <p>2 negative discrimination against women. As I talk</p> <p>3 about in my -- in my report, women can receive</p> <p>4 greater praise than men, but it doesn't translate</p> <p>5 into greater rewards, right? So there's clearly</p> <p>6 something going on there. So again, the action</p> <p>7 isn't so much in this sort of overall evaluation of</p> <p>8 performance, but in how that translates into</p> <p>9 personnel decisions, what you're punished or</p> <p>10 rewarded for.</p> <p>11 Q. So based on that answer, and I think other</p> <p>12 answers that you've given, Dr. Glick, is it fair to</p> <p>13 say that the details of all of these studies, what</p> <p>14 they studied, how they studied it, how they reported</p> <p>15 their findings, that they matter, right?</p> <p>16 A. Right. Yeah, yeah, sure. Details matter.</p> <p>17 Q. And they -- those details matter when you</p> <p>18 are applying those studies to the facts of any given</p> <p>19 case, correct?</p> <p>20 A. The details -- I mean, again, I'm not sure</p> <p>21 what you're saying, I guess.</p> <p>22 Q. Yeah. So when you have a case, not even</p> <p>23 necessarily this one, but a case like this, where</p> <p>24 you're being asked to take those -- take studies,</p> <p>25 take research, and then apply it to the facts of the</p>

<p style="text-align: right;">118</p> <p>1 case, or -- or maybe rather tell a fact finder how 2 to apply it, that the details of that research 3 matters. Do you agree with that? 4 A. Yeah. I think the details matter, but 5 you're not going to be able to convey all of those 6 details. You've got to convey the general weight of 7 the evidence as you see it as an expert because if 8 you try to go into all of the details of things like 9 explaining D scores or things like that and, you 10 know, the -- the limitations of individual studies, 11 like I said, the report would be incredibly unwieldy 12 and -- and -- and basically incomprehensible. 13 Q. You -- you -- you talked a lot about the - 14 - I'm sorry. 15 Is -- is -- so -- 16 A. Can we take a break because I -- I can use 17 a comfort break. Is that okay right now? 18 Q. Yeah. Would you -- 19 A. Or you -- 20 Q. I have just two more questions on this. 21 A. Okay. Sure, sure, sure. 22 Q. I'll be really quick. 23 A. I can wait. 24 Q. -- for a five-minute break, so let me just 25 get through these real quick. But thank you for</p>	<p style="text-align: right;">120</p> <p>1 occurs in personnel decision-making. 2 Q. And, Dr. Glick, just a few other -- I 3 guess, maybe just one brief question. That 4 highlighted text in the Roth study that we just 5 covered, you didn't disclose that particular finding 6 in your report, did you? 7 A. I didn't mention that in my report, no. 8 MS. BRADFORD: Before we go off the 9 record, let me just take one moment. 10 MR. BRISCHETTO: Well, Megan, while you're 11 off, give some thought to lunch, because I know it's 12 10 to 1:00 for Peter. 13 THE DEPONENT: Oh, yeah, it is. Yeah. 14 MS. BRADFORD: Yeah. So, Mr. Brischetto, 15 and just for purposes of the record, if you wouldn't 16 mind just referring to me as Ms. Bradford while 17 we're on the record, that would be great. 18 MR. BRISCHETTO: I'm sorry? 19 MS. BRADFORD: If you wouldn't mind just 20 referring to me as Ms. Bradford for purposes of -- 21 MR. BRISCHETTO: Oh, sure. What did I 22 say? I didn't even track it. I -- I will do that. 23 Sure. 24 MS. BRADFORD: No problem. I -- I did -- 25 that's exactly what I was checking about. So, Dr.</p>
<p style="text-align: right;">119</p> <p>1 asking. 2 The -- I'm sorry. Is it pronounced the -- 3 the Joshi, Son, and Roh study? 4 A. Sure. Yeah. 5 Q. Okay. So you've mentioned that a couple 6 of times and of how -- how much you value that 7 study. 8 A. Sure. 9 Q. Does that study have limitations when it 10 comes to applying it to the facts of this case? 11 A. Well, again, all -- you know, we could 12 talk about limitations in -- in all studies, and, 13 you know, it -- it -- it's -- it's showing a general 14 phenomenon, and then whether that actually occurred 15 in the case is, again, to me, for the case decision- 16 makers to -- to figure out, right? So this shows a 17 -- a general discriminatory effect. 18 And the reason I think it's superior is 19 that it has both performance ratings and rewards in 20 actual organizations. And that's a rare thing to 21 have, and it's a very large sample. And what it 22 shows is that for the same performance evaluations, 23 you get differential rewards. And that's where, you 24 know, the -- the overall performance evaluations may 25 not show, really, the discriminatory action that</p>	<p style="text-align: right;">121</p> <p>1 Glick, I think it's almost 1:00 your time. 2 THE DEPONENT: Yeah, right. 3 MS. BRADFORD: I think it makes sense, 4 instead of coming back on, to just go ahead and -- 5 and take our lunch break now -- 6 THE DEPONENT: Sure. 7 MS. BRADFORD: -- for everybody. So I 8 propose 30 minutes, if that is okay -- 9 THE DEPONENT: Yes. 10 MS. BRADFORD: -- with Mr. Brischetto and 11 Dr. Glick? 12 MR. BRISCHETTO: That is fine with me. 13 THE DEPONENT: That's good. Thanks. 14 Appreciate that. 15 THE VIDEOGRAPHER: Okay. All right. The 16 time is 12:49 p.m., and we are off the record. 17 (WHEREUPON, a recess was taken.) 18 THE VIDEOGRAPHER: We are on the record. 19 The time is 1:29 p.m. You may now proceed. 20 MS. BRADFORD: Thank you. 21 Real quick, before I get back into my 22 questions, Dr. Glick, I think you had mentioned that 23 when you were on a break that you would check about 24 when you received Dr. Carnes's report. Did you get 25 a chance to do that on your lunch break?</p>

<p style="text-align: right;">122</p> <p>1 THE DEPONENT: Oh, I -- I forgot to do 2 that. But I do recall that it was really recently 3 that I got that report. So I think it was within 4 the last couple of weeks. Maybe Mr. Brischetto 5 could check and -- and see when he sent it because I 6 -- you know, he sent it to me, but I think it was -- 7 it was -- it was pretty recently. It was definitely 8 after I submitted my final report. 9 MS. BRADFORD: Okay. So definitely after 10 the -- 11 THE DEPONENT: Definitely after that, as I 12 recall. 13 MS. BRADFORD: Okay. Thank you. 14 BY MS. BRADFORD: 15 Q. Okay. So diving back into things, on page 16 29 of your report, you have the section titled, 17 "Assertive Women Face Backlash." 18 A. Yes. 19 Q. And one of the studies that you cite here 20 is a meta-analyses -- sorry -- a meta-analysis from 21 Williams and Tiedens. 22 A. Right. 23 Q. And I apologize if I'm -- Tiedens, if I'm 24 mispronouncing that name. But in your report, you 25 note that according to this study, that perceivers -</p>	<p style="text-align: right;">124</p> <p>1 Tiedens study that we were just referring to? 2 A. It looks like it, yeah. 3 Q. And it's titled, "The -- The Subtle 4 Suspension of Backlash: A Meta-analysis of Penalties 5 for Women's Implicit and Explicit Dominance 6 Behavior," correct? 7 A. Right. 8 Q. Okay. So I'm going to go to -- I'm at 9 page 173, and I'm going to read this highlighted 10 section here aloud. "This indicates that the 11 negative effect of dominance, relative to 12 nondominance, on likability was greater for women 13 than for men, as predicted. Thus, Hypothesis 1A was 14 supported. However, the size of this difference was 15 small." Did I read that correctly? 16 A. Yes. 17 Q. And then looking at the second highlighted 18 section of this page, "This indicates that dominant 19 women were liked slightly less than dominant men, 20 but the difference was very small and did not differ 21 significantly from zero." Did I read that 22 correctly? 23 A. Yes. 24 Q. So this meta-analysis found that the 25 observed differences in treatment of dominant men</p>
<p style="text-align: right;">123</p> <p>1 - that the study showed that perceivers dislike 2 women who exhibit assertiveness or dominance more 3 than men who behave similarly and consequently 4 impose workplace penalties on dominant women. Is 5 that fair that that's what you say in your report? 6 A. Yes. 7 Q. Okay. But am I correct in saying that you 8 -- you don't disclose any information here about 9 frequency? In other words, you don't say how often 10 according to this study assertive women face 11 backlash? 12 A. Right. I mean, as we've talked about 13 before, I think frequency estimates are -- it's not 14 really something you can get out of these studies. 15 There's -- they're not designed to assess the 16 frequency with which something occurs on -- in a -- 17 you know, in daily light. That's just not the aim 18 of those studies. 19 MS. BRADFORD: I'm putting Document I, 20 which is -- will be marked as Exhibit 8, into the 21 chat. I'm going to share my screen. 22 (WHEREUPON, Exhibit 8 was marked for 23 identification.) 24 BY MS. BRADFORD: 25 Q. Dr. Glick, is this that Williams and</p>	<p style="text-align: right;">125</p> <p>1 versus dominant women was either small or not 2 significant at all, correct? 3 A. But then, also, there are moderators of 4 these effects. So this is the overall effect going 5 across studies which, as they point out, have high 6 heterogeneity effect sizes. And then, what you 7 typically do is then look at what distinguishes 8 between these different studies and when that effect 9 occurs and does not occur. 10 Q. I'm going to reask my question, Dr. Glick, 11 because I appreciate the -- your sort of explanation 12 of it. But -- but just to be clear, this meta- 13 analysis found that the observed differences in 14 treatment of dominant men versus dominant women was 15 either small or not significant at all, correct? 16 A. When you include across all studies and 17 don't distinguish between the different 18 circumstances, that is correct. 19 Q. Okay. I'm going to scroll down to the 20 next page, 174. And I'll read, "Study location 21 moderated the simple effect of gender among dominant 22 targets -- but not the interaction effect -- such 23 that the tendency for dominant women to be liked 24 less than dominant men was present among studies 25 conducted in the lab, but not those conducted in the</p>

<p style="text-align: right;">126</p> <p>1 field," correct?</p> <p>2 A. Yes, that's what it says.</p> <p>3 Q. Okay. So this meta-analysis also found</p> <p>4 that in studies in the field, as opposed to the lab,</p> <p>5 dominant women were not liked less than dominant</p> <p>6 men, correct?</p> <p>7 A. Correct. And they also note in the same</p> <p>8 paragraph that the number of field studies was quite</p> <p>9 small compared to the number of laboratory studies.</p> <p>10 And there may be other differences between them.</p> <p>11 Q. Okay. Then I'm going to scroll down to</p> <p>12 177. So this shows a table, right, Dr. Glick?</p> <p>13 A. Yes.</p> <p>14 Q. It's Table 3. So when we look at this</p> <p>15 table, so -- and there's a couple of parts</p> <p>16 highlighted here. When the participant was the</p> <p>17 target of the dominance, was there any difference in</p> <p>18 reactions to dominant men versus dominant women</p> <p>19 according to this table?</p> <p>20 A. Well, I'd have to see a statistical test</p> <p>21 of difference. So there's a P0.2 in the one column</p> <p>22 and a nonsignificant effect in the other column. So</p> <p>23 just seeing the effect in one column versus the</p> <p>24 other column.</p> <p>25 Q. So when we're looking at the D score,</p>	<p style="text-align: right;">128</p> <p>1 woman compared to a man."</p> <p>2 A. Yes.</p> <p>3 Q. First of all, again, you use the term</p> <p>4 "more likely" here. What is that --</p> <p>5 A. Compare -- sorry. More likely, so when</p> <p>6 you have an experiment where you have the same</p> <p>7 criticism delivered, and then you vary and you</p> <p>8 randomly assign people to different conditions and</p> <p>9 you vary whether the criticism comes from a woman</p> <p>10 than from a man, and you see a difference between</p> <p>11 them, that's what the comparison is about. I think</p> <p>12 I'm pretty explicit about the comparison involved.</p> <p>13 Q. So for this proposition, it looks like you</p> <p>14 cite to one paper from 2000. It's the footnote 84,</p> <p>15 the Sinclair paper.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Did all the undergraduate students</p> <p>18 involved in that research react more negatively to</p> <p>19 criticism from a woman?</p> <p>20 A. Again, it's not going to be all. We can't</p> <p>21 -- yeah, we can't -- again, we're looking at average</p> <p>22 differences, right?</p> <p>23 Q. What was the average difference in that</p> <p>24 case? How many --</p> <p>25 A. I can't tell you offhand what the average</p>
<p style="text-align: right;">127</p> <p>1 that's 0.1, right?</p> <p>2 A. Right. That is a -- that -- that is a</p> <p>3 very small D score and presumably nonsignificant.</p> <p>4 Q. So would you agree that a D score .01 is</p> <p>5 not a meaningful difference?</p> <p>6 A. Yes.</p> <p>7 Q. So on pages 32 through 36 of your report,</p> <p>8 you discuss various behaviors that might elicit</p> <p>9 backlash.</p> <p>10 A. Yes.</p> <p>11 Q. Some of these include, for example, a</p> <p>12 masculine or autocratic style, criticism or</p> <p>13 discipline, self-promoting behavior, things like</p> <p>14 that, right?</p> <p>15 A. Yes.</p> <p>16 Q. And again, as we've covered in other</p> <p>17 sections, you don't give any sort of frequency</p> <p>18 information?</p> <p>19 A. Yeah. I don't think we can assess</p> <p>20 frequency.</p> <p>21 Q. On -- starting at the bottom of page 32,</p> <p>22 you state that "research shows that people are more</p> <p>23 likely to react negatively to criticism from a</p> <p>24 woman, viewing the same criticism as more</p> <p>25 reasonable, unwarranted, and unfair when made by a</p>	<p style="text-align: right;">129</p> <p>1 difference was.</p> <p>2 Q. Okay. So when you say "more likely" here</p> <p>3 and you're relying on this research, how much more</p> <p>4 likely?</p> <p>5 A. Well, again, it -- it -- it depends on</p> <p>6 what -- you know, what -- what effect was found. I</p> <p>7 mean, it's -- it's, you know, a significant effect</p> <p>8 of a difference. It's a significant difference</p> <p>9 between conditions.</p> <p>10 Q. And can you tell me what that effect was</p> <p>11 in this study?</p> <p>12 A. I can't, you know, recall the specific</p> <p>13 means in the study, no. Or the -- yeah. I can't</p> <p>14 recall the specific P value or specific means.</p> <p>15 Q. Would you agree that there's a difference</p> <p>16 between saying that, for example, people are 90</p> <p>17 percent more likely to react negatively to criticism</p> <p>18 from a woman versus people are 60 percent more</p> <p>19 likely to react negatively to criticism --</p> <p>20 A. Sure. That's a different statement. Yes,</p> <p>21 that's a different statement.</p> <p>22 Q. So given that there can be differences</p> <p>23 when -- in what "more likely" means, why don't you</p> <p>24 explain that in your report?</p> <p>25 A. I -- I explained that we're talking about</p>

<p style="text-align: right;">130</p> <p>1 average differences, which means that, you know, not 2 everybody is necessarily going to do it. And I am 3 very clear that in real-life situations, you have 4 potential alternative explanations for any 5 particular decision that's made or evaluation or 6 whatever. 7 Q. And when you're using the term "average," 8 Dr. Glick, are -- are you referring to the mean or 9 the median? Are we talking about the D score? Can 10 you just clarify that for me? 11 A. Usually, talking about means when you're 12 talking about average difference. 13 Q. Can you give an estimate for, in the real 14 world, how often people react more negatively to 15 negative comments given by a woman versus the same 16 negative comments by a man? 17 A. No, I cannot. 18 Q. Can tone and body language contribute to 19 how criticism is received? 20 A. Sure. I mean, I think tone and body 21 language, you know, there's a lot of research on 22 nonverbal behavior. Tone and body language can 23 matter in terms of how people perceive a particular 24 comment and so on. And I think I say that in my 25 report at some point.</p>	<p style="text-align: right;">132</p> <p>1 than toward men. So the question is, really, is 2 there a double standard? 3 Q. So, Dr. Glick, I -- when you say that we 4 don't know what tone or body language was used in a 5 certain situation, meaning that, for example, you 6 reviewing the -- the depositions and the records, 7 you know, you -- you weren't there, you -- so you 8 can't exactly say what the tone is, right? 9 A. Absolutely. Yeah. 10 Q. Yeah, I wasn't there. I can't say that 11 either, right? 12 A. Absolutely. But, for instance, with an e- 13 mail, you can read the e-mail, and there's no body 14 language, you know, unless there's, you know -- is - 15 - isn't -- the e-mail is the incident, right? So in 16 that case, we don't have that same problem. But in 17 a case where it was, you know, something that 18 happened in a live incident and people could see the 19 person and hear the person, we don't know. 20 Absolutely. 21 Q. But the person who was actually -- say it 22 was an interaction between a nurse and Dr. Bala, 23 that nurse who was present for the interaction, they 24 would know, right? 25 A. They have their perception, right? So for</p>
<p style="text-align: right;">131</p> <p>1 Q. So for example, if a coworker said that 2 Dr. Bala's tone and body language were insulting or 3 condescending, that's something that the jury should 4 consider, right? 5 A. Absolutely. They should consider it. And 6 the question is, you know, for tone and body 7 language, we may not -- you know, we don't have 8 necessarily some sort of record that we can -- we 9 can directly evaluate. That's why I point to some 10 incidents in my later section of the report that 11 look at HR investigations or specific e-mail that 12 was considered to have a negative tone by the 13 recipient because there you do have more 14 information, right? So, you know, we don't know 15 exactly what happened in some of these specific 16 incidents when it comes to tone or body language, 17 but we do know that that can be perceived more 18 negatively when criticism or some sort of perceived 19 slight comes from a woman. 20 So, for instance, I think I cite in the 21 medical section a study that I think was at Stanford 22 Medical School, complaints like -- low-level 23 complaints about communication or rudeness or things 24 like that against the physicians by staff and nurses 25 and so on were more likely to occur toward women</p>	<p style="text-align: right;">133</p> <p>1 instance, give you an example, my wife and I might 2 be discussing something, and she might say, "You're 3 yelling." 4 And I might say, "No, I'm not yelling," 5 you know, right? Where's the -- where's -- where do 6 we come up with those words and those subjective 7 impressions? And we do have incidents here where 8 people perceive them quite differently in terms of 9 tone and so on. 10 So the point is that tone is something 11 that is not -- I mean, if we had a decibel meter, we 12 could know the degree to which the person is 13 "yelling" or how loud their voice is, but we don't 14 have that, right? And I'm sure you -- you know 15 everybody's had this experience, right? Where one 16 person sees it as yelling and another person sees it 17 -- we -- we interpret these behaviors differently 18 depending on what we think about the person or how 19 we're feeling in the moment. So to the extent that 20 these are feelings, they can be biased. But, you 21 know, it would be great if we could have the instant 22 replay, right, and we could -- the jury could 23 actually see that. That would be very informative. 24 But we -- we don't have that in a lot of cases. 25 In other cases, we have an HR</p>

<p style="text-align: right;">134</p> <p>1 investigation and different witnesses talking about 2 what actually happened in -- you know. And then we 3 also have a case with, like, an e-mail where the 4 tone was judged by the recipient to be hostile or -- 5 or -- or rude or something like that. And I think 6 those -- those are in a different category as far as 7 the jury is concerned. They can look at that. 8 Q. Do you think that the tone in an e-mail is 9 not subject to interpretation? 10 A. Oh, yes. I mean, tone is very subject to 11 interpretation in an e-mail. And -- and what I'm 12 saying is when things are subject to interpretation, 13 that opens the door to potential bias. Does that 14 mean bias necessarily occurred? Well, you know, 15 that's what the case decision-makers have to decide. 16 Q. Dr. Glick, on page 37, you state that: Due 17 to gender stereotypes, people generally accord women 18 lower status and authority than men. What do you 19 mean -- 20 A. Yes. 21 Q. -- by "generally"? 22 A. That people lend women less credibility. 23 For instance, there's research in this -- in the 24 medical setting, right, complaints by women or by 25 black individuals where there's no, you know, real</p>	<p style="text-align: right;">136</p> <p>1 Q. In those studies, in which of them did 2 more than 50 percent of the participants accord 3 women less status and authority? 4 A. Well, again, they're not reported that 5 way, right? When you have a difference in means, 6 even if it's a really strong difference in means, we 7 don't know what percentage of people actually did 8 that. 9 Now, you could make some statistical 10 assumptions and try to guesstimate it that way, but 11 that -- you know. I mean, you could have a strong 12 effect because 30 percent of the people treated men 13 and women very differently, or you could have, you 14 know, 80 percent doing it, and -- and doing it -- 15 but doing it moderately, right? Not as big a mean 16 difference for each -- or not as big a difference 17 for each, you know, the individuals involved. So, 18 you know, we can't -- I can't pick that apart. So 19 these kinds of questions I think I'm going to be 20 giving you -- if you want to save time, I think I'm 21 going to be giving you a similar answer to those 22 kinds of questions. 23 Q. So I guess going back to the -- the 24 initial question, I had asked about what "generally" 25 means. So you've explained that it's -- it's very</p>
<p style="text-align: right;">135</p> <p>1 objective way you can assess that "Oh, you have a 2 broken bone" or something like that, right? But 3 something like -- like -- maybe like fibromyalgia or 4 something where they don't have a diagnostic -- you 5 know, a complete diagnostic test. There's evidence 6 that claims by, you know, women or minorities are -- 7 are given less credibility, which can lead to 8 undertreatment. So that's an example. Trying to 9 remember now what exactly the question was, if you 10 could repeat it. 11 Q. Yeah. Actually, let me -- you -- you 12 answered it in part. I asked what it generally 13 meant, and you answered it in part by saying that 14 people lend less credibility to women. How many 15 people? More people? Some people? A few people? 16 What do you mean by that? 17 A. I can't give you an exact estimate in 18 everyday life of -- of, you know, what percentage of 19 people lend women less credibility. But we know 20 that in general, in studies, that people are less 21 likely to, for instance, to see women as authority 22 figures -- 23 Q. In those -- 24 A. -- or react more negatively to women as 25 authority figures than men.</p>	<p style="text-align: right;">137</p> <p>1 difficult to assign a level of frequency, whether 2 it's from the studies or applying it to real life. 3 It's very difficult to assign a level of frequency, 4 right? 5 A. Right. 6 Q. So then can you explain to me why you use 7 terminology such as "generally" or "more likely" or 8 "tends" or "often"? 9 A. Yeah, well, "generally," "more likely," 10 "tends," I mean, this is all -- I'm always putting 11 this in -- in the context of, say, mean differences 12 that you find in experimental studies or effects 13 that you find, say, like in the organizational study 14 that showed women being promoted less often for 15 similar performance evaluations, that you -- you 16 have these general effects, right? And that they 17 occur in multiple studies. And that -- that is 18 where I get that language from. I think I'm trying 19 to make it clear that this is never an absolute kind 20 of thing. 21 Q. Dr. Glick, how many of Dr. Bala's 22 supervisors and coworkers hold a bias against 23 assertive women? 24 A. I'm not making any assertions about that. 25 And I --</p>

<p style="text-align: right;">138</p> <p>1 Q. So you don't know?</p> <p>2 A. -- can't. No. And I can't. I mean,</p> <p>3 again, even if -- you know, even if I administered</p> <p>4 my ambivalent sexism inventory toward them, I</p> <p>5 wouldn't use that as the basis to -- to make some</p> <p>6 sort of individual diagnosis of whether that person</p> <p>7 was biased against Dr. Bala.</p> <p>8 Q. So would it -- would it be fair to say</p> <p>9 that you can't say that all the other male</p> <p>10 cardiologists in Dr. Bala's cardiology unit held a</p> <p>11 bias against women in cardiology?</p> <p>12 A. No. I wouldn't make a statement like</p> <p>13 that.</p> <p>14 Q. Why wouldn't you make a statement?</p> <p>15 A. Well, first off, you know, we talk about</p> <p>16 my role as a social framework expert, and I think</p> <p>17 that that's, you know, beyond my purview to -- to</p> <p>18 make that kind of inference. I don't want to imply</p> <p>19 that this general framework creates a scientific</p> <p>20 certainty about specific individuals in a real-life</p> <p>21 situation, which I do agree would, you know, kind of</p> <p>22 be a prejudicing the jury kind of thing. So I'm</p> <p>23 trying to stay within that role.</p> <p>24 And again, you know, even if you know that</p> <p>25 somebody has -- you know, has expressed sexist</p>	<p style="text-align: right;">140</p> <p>1 about that a little bit later, but while we're on</p> <p>2 that topic, I'll just ask you about it now. So on</p> <p>3 page 6 of your report.</p> <p>4 A. Six?</p> <p>5 Q. You state that --</p> <p>6 A. Jumping way back, huh?</p> <p>7 Q. I know.</p> <p>8 A. We are going to be here late.</p> <p>9 Q. I'm just making sure everybody's on their</p> <p>10 toes. You state that: Social framework experts</p> <p>11 often do not apply a scientific certainty standard</p> <p>12 because it may not be possible or feasible to</p> <p>13 conduct a rigorous study to determine whether</p> <p>14 discrimination occurred in a specific case to an</p> <p>15 individual plaintiff. In such cases, experts cannot</p> <p>16 testify with scientific certainty about whether</p> <p>17 discrimination occurred. I read that right, right?</p> <p>18 A. I think so. I'm sorry. I wasn't totally</p> <p>19 following along, but I trust you, and that sounds</p> <p>20 like what I wrote. Yes, I would agree with that</p> <p>21 statement.</p> <p>22 Q. So you -- okay. So you agree with that</p> <p>23 statement, right?</p> <p>24 A. Yes.</p> <p>25 Q. Do you think that a social framework</p>
<p style="text-align: right;">139</p> <p>1 attitudes, generally, you can't say with some sort</p> <p>2 of scientific certainty that this person</p> <p>3 discriminated against that individual in a</p> <p>4 situation.</p> <p>5 Now, in a legal case, you know, the jurors</p> <p>6 are tasked with the difficult decision of trying to</p> <p>7 pick apart with, you know, all these different</p> <p>8 alternative explanations going on, and with the fact</p> <p>9 that people tend to use pretext and have mixed</p> <p>10 motives when they're making these decisions and not</p> <p>11 to acknowledge that they're biased when they are, if</p> <p>12 that's the case, right?</p> <p>13 They have to pick that -- that stuff</p> <p>14 apart. I think if we are turning to the case facts</p> <p>15 themselves, then I think they're -- the -- the</p> <p>16 social framework that I provide shows some examples</p> <p>17 of things that are very consistent with the</p> <p>18 possibility of bias, and those are things that I'm</p> <p>19 directing the case decision-makers to look at, but -</p> <p>20 - but making clear that while there are</p> <p>21 consistencies with bias, they need to make the</p> <p>22 ultimate decision.</p> <p>23 Q. So, Dr. Glick, you brought up that not</p> <p>24 being able to talk about something with scientific</p> <p>25 certainty. And I was -- I was going to ask you</p>	<p style="text-align: right;">141</p> <p>1 expert in this case could say that discrimination</p> <p>2 occurred with 100 percent certainty?</p> <p>3 A. Discrimination occurred with 100 percent</p> <p>4 certainty. I -- I could -- I think -- I think they</p> <p>5 could express that that's their opinion, but I -- I</p> <p>6 think they can't say that -- that I can</p> <p>7 scientifically prove it.</p> <p>8 Q. As an experienced social framework expert,</p> <p>9 yourself, if you heard another witness, maybe on the</p> <p>10 other side, make that statement, would you question</p> <p>11 the validity of that?</p> <p>12 A. Well, I would say that, you know, even if</p> <p>13 you're 100 percent convinced by the evidence, and I</p> <p>14 can -- can certainly imagine that, that I would</p> <p>15 avoid it because of my experience with what I think</p> <p>16 courts will allow, you know? So -- so I take a more</p> <p>17 -- I mean, I know there's variance among experts and</p> <p>18 people I admire in -- in what they're willing to</p> <p>19 say. So some are willing to say it's more likely</p> <p>20 than not. Some are willing to go further than that.</p> <p>21 And I -- given my own experience with the</p> <p>22 courts and the -- you know, the variance in the</p> <p>23 rules, I -- I've sought to avoid that. So that's</p> <p>24 just sort of my personal way of doing things, given</p> <p>25 my understanding. But again, I'm not a lawyer.</p>

<p style="text-align: right;">142</p> <p>1 Q. Okay. And, Doctor, taking away the -- the 2 guardrails or the things that you're cognizant of, 3 would you ever say in a case that you were retained 4 as an expert that "I am" -- "in my scientific expert 5 opinion, that I am 100 percent certain that 6 discrimination occurred"? 7 A. I think I would generally avoid that, even 8 if it's pretty obvious because it's just sort of -- 9 I don't know. It's just such -- such of -- you 10 know, such a strong statement. But, you know, I -- 11 I guess I can imagine circumstances where it would 12 be so clear-cut that that would be a reasonable 13 thing to say, but I -- I would probably personally 14 avoid going that far. 15 Q. So, Dr. Glick, I -- I have asked you a 16 couple of questions about -- I think you've 17 established that you can't say, for example, how 18 many of Dr. Bala's supervisors hold a bias against 19 assertive women or hold a bias against the women of 20 Indian decent. You can't -- you can't say those 21 things. 22 Is it also fair that you can't say what 23 percentage of complaints about Dr. Bala were 24 motivated by gender bias or racial bias? 25 A. Yeah. And I -- I think I would -- I would</p>	<p style="text-align: right;">144</p> <p>1 really have a strong opinion on that. 2 Q. So, Dr. Glick, on page 11 of your report, 3 you go through the documents regarding this case 4 that you reviewed; is that correct? 5 A. Yes. 6 Q. Did you rely on counsel for Dr. Bala to 7 identify which documents you should review? 8 A. Yes, I did. But I will just say that 9 also, in my conversations with them, I said I want - 10 - you know, I want to see relevant documents, 11 including ones that would be potentially damaging to 12 your claims, right, so that I'm prepared. 13 Q. Yes. So -- you explained this a little 14 bit, but how did you define what relevant documents 15 would be to you? 16 A. Well -- okay. So for instance, anything 17 that, you know, where -- where someone -- there's 18 evidence about -- talking about the impressions of 19 the individual, if there's -- you know, for 20 instance, the HR investigation is clearly super 21 relevant, right? You know, those sorts of things. 22 Things that are more like -- I -- I don't know, that 23 just don't -- you know, that don't provide a lot of 24 detail about how somebody was treated or perceived 25 or are just sort of general boilerplate policies</p>
<p style="text-align: right;">143</p> <p>1 agree with that. I do think that when you look at 2 the specifics of things, you can start to get some 3 sense of what's more likely or less likely to be 4 biased. 5 Q. Dr. Glick, do cultural norms within a 6 particular geography or geographical region, can 7 those impact how people, maybe, perceive or 8 interpret behavior? 9 A. Sure. I mean, there can be different 10 cultural norms and different styles that could, you 11 know, lead to different interpretations. Different 12 hand gestures mean different things in different 13 parts of the world for instance, you know. 14 Q. So, for example, somebody -- the 15 population on the East Coast versus population on 16 the West Coast, you could have different like levels 17 of interpretation based on those geographical 18 differences, right? 19 A. I mean, in the abstract, you know, yes, I 20 -- I guess so. I'm not an expert on -- on those 21 kind of regional differences. I think, you know, I 22 -- I have a lot of expertise on -- on regional -- in 23 sort of global -- more global differences in -- in 24 the strength of sexist attitudes or the overtness of 25 sexist attitudes, but, you know, I guess I don't</p>	<p style="text-align: right;">145</p> <p>1 rather than, you know, specific incidents might be 2 of less interest to me. 3 Q. Did you request any additional documents 4 on top of the ones that you ended up receiving? 5 A. Not that I can recall. I mean, they 6 provided plenty of reading material, so -- and then 7 there's all these exhibits, you know. Exhibits in 8 the range of 1 to 232, right? And -- and some 9 pretty long depositions. A lot of 300-page 10 depositions or 2- to 300-page depositions, so there 11 was a lot of information available. 12 Q. How much time did you spend reviewing 13 those documents? 14 A. Oh, I don't know, but it was a long time. 15 It was a considerable number of hours. And -- and 16 this case in particular, I would say, was on the 17 heavy end of -- in terms of reviewing the documents, 18 because there was a lot of relevant detail, like I 19 pointed out, like the HR investigations and how that 20 unfolded, and understanding the timeline of things 21 in those. On that -- that was -- I would say this 22 case had an -- an unusually rich set of things for 23 me to dig into compared to a lot of other cases. 24 Q. Would you say that you thoroughly reviewed 25 the documents, or did you skim through some of them?</p>

<p style="text-align: right;">146</p> <p>1 A. Well, I would say what I do is I read to - 2 - you know -- you know, when -- when you get used to 3 reading depositions, you know, there's some stuff at 4 the beginning instructing the witness, you know, 5 about their background, some things that generally 6 are less likely to be relevant. 7 So I will -- I will, you know, read for 8 comprehension there, but then I will definitely, you 9 know, try to figure -- you know, when I see 10 something that I see is -- is more relevant, just 11 generally, to the -- the questions at issue, then I 12 -- I dig into those more completely. So again, I 13 will say I -- I think I spent -- of all the cases 14 I've done, I feel like I spent -- I spent the most 15 amount of time digging into documents in this case. 16 Q. And I understand that you received a lot 17 of documents, but is it -- 18 A. Right. 19 Q. -- you did not receive the full case file, 20 the -- the full amount of production that was 21 exchanged between -- 22 A. Yeah. I -- yes. As you know, there's a 23 lot of paper generated, boxes and boxes worth, and, 24 you know, a lot of redundancy in some those things 25 and a lot of those things are -- are not really</p>	<p style="text-align: right;">148</p> <p>1 there's anything. If there's anything you want to 2 show me, I would be happy to review. 3 Q. I'm just confirming you just don't know, 4 correct? 5 A. Yeah. As Donald Rumsfeld -- to paraphrase 6 him, there's the unknown -- unknown unknowns. I 7 imagine there's some unknown unknowns here. 8 Q. Did you make any notes as you reviewed 9 your documents? The -- 10 A. Yeah. I mean, I think I -- usually what I 11 do, and I have to check. Usually, what I do, and I 12 have to check -- I mean, usually, I will just sort 13 of plop relevant sections of, you know, documents 14 into a file just so I can, you know -- you know, 15 instead of going back to this giant document, have 16 sections of those. But not -- I'm not sure about 17 notes other than that. 18 Q. I think you've already said this, but 19 you've never met Dr. Bala, right? 20 A. No. I don't think I have, no. And then 21 that would -- it would be unusual that I would meet 22 somebody in the case other than the lawyers. 23 Q. And so is it fair to say that you don't 24 have any direct personal knowledge of her 25 interaction style in the workplace?</p>
<p style="text-align: right;">147</p> <p>1 relevant to the issues that I deal with. So no, I 2 did not -- I imagine I did not see the full universe 3 of things, and I kind of doubt that anyone in this 4 case has read all of them. 5 Q. This -- apologies that this is sort of an 6 odd question, but you agree -- you don't know what 7 you don't know, right? 8 A. Right. 9 Q. So -- 10 A. Right. 11 Q. Would it be fair to say that it's very 12 possible that there were relevant documents that you 13 did not receive? 14 A. I wouldn't say it's very possible. I 15 think, because of all the depositions, you know, 16 that there's a lot of redundancy and talking about 17 some -- some similar issues. But I think that -- 18 that the likelihood -- my sense would be that that's 19 unlikely, that there's some sort of smoking gun 20 document. I mean, if -- if you had the smoking gun 21 document in your favor, I imagine you would spring 22 it on me right now. 23 If Mr. Brischetto had a smoking gun 24 document in his favor, I'm sure he'd spring it on me 25 a long time ago. So I -- I kind of doubt that</p>	<p style="text-align: right;">149</p> <p>1 A. Correct. 2 Q. On both pages 53 and 79 of your report, 3 you reference a faculty satisfaction survey that was 4 conducted by OHSU in -- in 2016. Do you remember 5 that survey? 6 A. Yes. Broadly speaking, yes. 7 Q. Did that survey contain a definition of 8 what constituted harassment or discrimination? 9 A. I don't recall. 10 Q. So you wouldn't recall what definitions, 11 if any, were given? 12 A. I mean, I have to go back and -- and look 13 up what -- what I had. You know, it was a couple of 14 years ago, so, no. So a lot of water under the 15 bridge since then. 16 Q. This survey was anonymous. Does -- does 17 that sound correct to you? 18 A. That would be the typical sort of thing, 19 right? To try to get people to be willing to say 20 things because people are hesitant to -- to report 21 formally. 22 Q. And I believe that you noted in your 23 report that, in the survey, 13.9 percent of persons 24 reported having experienced harassment, correct? 25 A. So there was witnessing harassment or</p>

<p style="text-align: right;">150</p> <p>1 personally experiencing harassment, and it was 23.5 2 percent witnessing it. Experiencing harassment, 3 13.5 percent. 4 Q. And -- and I'm looking at page 79 of your 5 report. I think it says 13.9 percent. 6 A. Well, maybe there's a typo in one of those 7 because the other one says 13.5, but I don't know. 8 13 to 14, right? 9 Q. Between 13 and 14 -- 10 A. Yeah. 11 Q. -- percent. How many of these reports of 12 harassment involve Dr. Bala's behavior? 13 A. I have no idea. And I don't know the 14 timeline here exactly when those were taken. When 15 that -- you know, and I think -- as you said, an 16 anonymous report. I don't know that names were 17 named in these responses. 18 Q. So -- Dr. Glick, just give me one moment. 19 So if I were to represent to you that the survey was 20 conducted around the time of 2015 to 2016, would 21 that sound somewhat correct to you? 22 A. I -- I -- I cannot recall. So it says -- 23 yeah. Well, it says -- in my report, it says it was 24 a 2016 survey. 25 Q. A 2016 survey?</p>	<p style="text-align: right;">152</p> <p>1 that there was, for example, a organizational 2 climate of discrimination at OHSU, to make that 3 broad statement, you couldn't say that, right? 4 A. I think it's -- it's one piece of 5 evidence, but it's -- you know, it's very broad. 6 And, you know, the -- the -- I -- I wouldn't make a 7 lot of sweeping statements about it based on that. 8 Q. Much like any of the other research that 9 you rely on, you would need to know quite a lot of 10 details, you know, maybe about what -- for example, 11 who -- who was surveyed? 12 How was the survey conducted, you know, 13 things like that to determine the validity of the 14 survey and -- and what it applies to, right? 15 A. Well, when you're talking about one of 16 these climate surveys, right, I mean, you want to 17 know how many people participated in it, but, you 18 know, they're -- they're kind of a -- a little bit 19 of a dashboard about a specific people's, you know, 20 sense of an organization and experiences in the 21 organization. It's not quite the same thing as like 22 a -- a scientific study with carefully controlled 23 conditions and -- and all those sorts of things. 24 It's more of a kind of a quick take on -- on the 25 climate, and I think it's valuable, but, you know,</p>
<p style="text-align: right;">151</p> <p>1 A. That's what it says in my report if that's 2 accurate. I'm assuming when I wrote it, that was 3 accurate. 4 Q. So that would overlap with Dr. Bala's time 5 at OHSU, right? 6 A. Yeah. And I don't have the timelines of 7 my -- you know, mentally, at my fingertips, but -- 8 so -- but yeah, I trust you on that. 9 Q. So going back to -- we talked about the 10 13.9 percent of respondents reported -- 11 MS. BRADFORD: Actually, can we just take 12 a very brief break? 13 THE DEPONENT: Sure. 14 THE VIDEOGRAPHER: Okay. Please stand by. 15 The time is 2:09 p.m. And we are off the record. 16 (WHEREUPON, a recess was taken.) 17 THE VIDEOGRAPHER: We were on the record. 18 The time is 2:13 p.m. You may now proceed. 19 BY MS. BRADFORD: 20 Q. So when we went off the record, Dr. Glick, 21 I was asking you just a couple of questions about 22 that -- that OHSU survey. 23 Is it fair to say that it's something you 24 don't remember a lot of the details about that 25 survey, that you -- you can't use that survey to say</p>	<p style="text-align: right;">153</p> <p>1 it's a first step. 2 Q. That has a lot of limitations, right? 3 A. I mean, it certainly can have limitations, 4 yeah. 5 Q. And stepping away from this survey, is it 6 fair to say you never personally interviewed anybody 7 who worked at OHSU? 8 A. No, I did not. 9 Q. You haven't done any -- conducted any of 10 your own tests or analyses to determine what sort of 11 climate OHSU has when it comes to discrimination or 12 harassment, right? 13 A. No. And as -- as I explained previously, 14 that would be questionable validity when it's -- or, 15 you know, when there's -- in the context of a 16 lawsuit. 17 Q. We talked about these a little bit 18 earlier, but I want to move on now to discussion -- 19 discussing those two sections in your report about 20 that you added in titled, "Sex Discrimination in 21 Medicine and Backlash from Staff for Female 22 Positions." They start at page 40. 23 A. Page 3? 24 Q. Page 40. 25 A. I thought you said three. I'm like what?</p>

<p style="text-align: right;">154</p> <p>1 Seems like that would not be -- okay. Page 40. 2 Must have been a little glitch in the Internet 3 there. Okay. Yes, I'm there. 4 Q. Okay. So on page 40, you cite to studies 5 that, according -- according to what you wrote, 6 "Found that male physicians were disproportionately 7 likely to refer patients to male surgeons and were 8 less likely to make professional referrals to female 9 surgeons," correct? 10 A. Yes. 11 Q. As far as you are aware, has Dr. Bala 12 alleged that she received fewer referrals than her 13 male counterparts at OHSU? 14 A. I don't recall. 15 Q. In fact, sorry to make you do this, but if 16 you flip -- if you flip to page 61 of your report, 17 you actually note, you write, "Dr. Kaul testified 18 that Dr. Bala had outstanding technical skills and 19 that 'the patients I referred to Dr. Bala, had very 20 glowing reports on her.'" Did I read that 21 correctly? 22 A. I assume so. I was turning it just now, 23 but yeah. I'm -- I'll -- I -- sounds familiar. 24 Q. In fact, you even quoted testimony that 25 indicated that Dr. Bala's male colleagues referred</p>	<p style="text-align: right;">156</p> <p>1 A. No, there's Sarsons 2017, footnote 119. 2 Q. Okay. So footnote 119 applies to that 3 whole paragraph -- 4 A. The document, yeah. 5 Q. Okay. When was Dr. Bala blamed for a bad 6 outcome? 7 A. This is in the general section on context, 8 right? So just talking about medical 9 discrimination. So I'm not -- you know, it's just 10 sort of establishing that studies have shown that 11 there tends to be some bias in medical settings, and 12 it comes out in these various ways. I'm not saying 13 that was an allegation in this particular case. I'm 14 just sort of setting up some context there. 15 Q. I understand your -- your point, Dr. 16 Glick, but I think you explained earlier, and please 17 correct me if I'm wrong, that you added in these 18 sections to your report because you had later, 19 through other work that you'd done on other cases, 20 later, learned about more of this research relevant 21 to women in medicine and that you thought it was 22 relevant to this case, correct. 23 A. That's broadly relevant to setting the 24 context of the existence of bias, gender bias, in 25 medical settings and among surgeons. So in that</p>
<p style="text-align: right;">155</p> <p>1 patients to her? 2 A. Right. And that study doesn't say that 3 male physicians never -- you know, as we talked 4 about never making absolute statements, you know, 5 male physicians never refer to female surgeons, 6 right? It's a -- it's a matter of whether there's, 7 you know, a comparative difference in -- you know, 8 and that comes out in these larger scale studies. 9 Q. But again, even -- even noting that the 10 study just simply talks about how it is maybe more 11 likely that male physicians refer patients to other 12 male surgeons. As far as you're aware, Dr. Bala 13 hasn't alleged that in any way she received fewer 14 referrals than her male counterparts? 15 A. Yeah. I don't recall any allegation on 16 that specific issue. 17 Q. Also, on page 41, you note that: Female 18 surgeons also get blamed for poor -- more -- excuse 19 me. I'm going to start that over. Female surgeons 20 also get blamed more for poor outcomes than male 21 surgeons. Did I read that, right? 22 A. Yes. 23 Q. Just as a quick initial letter. It 24 doesn't look like you cite to any study here. So 25 what's the basis for that statement?</p>	<p style="text-align: right;">157</p> <p>1 sense, I saw it as relevant. Is it as -- you know, 2 it's not -- it's not -- even though it's not a 3 particular allegation in this case. 4 Q. When did Dr. Bala ever not receive credit 5 for an unexpectedly good outcome? 6 A. Again, I'm not saying it's an allegation 7 in this case. I'm just saying this is sort of a 8 general bias that has been demonstrated to provide 9 context for the existence of studies showing bias in 10 medicine toward female surgeons and female doctors. 11 Q. Is it fair to say that, as far as you are 12 aware, Dr. Bala has not alleged that she was blamed 13 more for poor outcomes than male surgeons or not 14 given credit for unexpectedly good outcomes? 15 A. As far as I'm aware, yes. 16 Q. Regarding the backlash from staff toward 17 female physicians section of your report, which 18 starts on page 44, you refer to a few studies, and I 19 want to talk about just a couple of those. 20 A. Sure. 21 MS. BRADFORD: Going to pull up Document 22 J, which we'll mark as Exhibit 9. I have put that 23 into the chat. I'll share my screen. 24 (WHEREUPON, Exhibit 9 was marked for 25 identification.)</p>

<p style="text-align: right;">158</p> <p>1 BY MS. BRADFORD:</p> <p>2 Q. So, Dr. Glick, this is a copy of the --</p> <p>3 the Zelek and Philips study. Are you familiar with</p> <p>4 that?</p> <p>5 A. Yeah. I read it in the past.</p> <p>6 Q. You cited to it, so I -- I assumed that</p> <p>7 you've --</p> <p>8 A. Yeah.</p> <p>9 Q. -- through it, correct? So just to</p> <p>10 confirm, this is a study that involves surveys</p> <p>11 submitted to female nurses at one Canadian hospital</p> <p>12 in 2000, correct?</p> <p>13 A. I believe so, yeah, from what I recall.</p> <p>14 Q. Now, the study examined nurse reactions to</p> <p>15 four different vignettes; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. And on page 45, it looks like you talk</p> <p>18 about the results from one of those vignette, the</p> <p>19 ones -- the one that refers to leaving a suture</p> <p>20 tray out with needles by a patient's bed. Does that</p> <p>21 sound familiar?</p> <p>22 A. Right. Yes.</p> <p>23 Q. So and that just came from one of the</p> <p>24 vignettes, right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">160</p> <p>1 A. Yes.</p> <p>2 Q. And then if we look at the third vignette,</p> <p>3 isn't it true that nurses actually expected female</p> <p>4 doctors to respond more positively to their</p> <p>5 suggestions about treatment than male doctors?</p> <p>6 A. Yes.</p> <p>7 Q. And then, finally, for the fourth vignette</p> <p>8 here, the study actually found that female nurses</p> <p>9 were more likely to view the male physician's</p> <p>10 display of anger as inappropriate than the female</p> <p>11 physician's display, didn't it?</p> <p>12 A. Let's see. It lacks statistical</p> <p>13 significance, so I'm not -- you know, said all of</p> <p>14 them lack statistical significance, so --</p> <p>15 Q. But --</p> <p>16 A. That's a lack of statistical significance.</p> <p>17 Those are unreliable. Those are -- those are random</p> <p>18 noise as far as statistical significance goes, those</p> <p>19 P values are nowhere near the level of declaring</p> <p>20 statistical significance, so it's a -- it's a null</p> <p>21 effect.</p> <p>22 Q. Okay. So is it your testimony that if a</p> <p>23 study reports a finding -- that that finding lacks</p> <p>24 statistical significance, that you probably wouldn't</p> <p>25 want to use that as a basis for your opinion?</p>
<p style="text-align: right;">159</p> <p>1 Q. Why didn't you talk about the other three</p> <p>2 vignettes?</p> <p>3 A. The other three found null effects.</p> <p>4 Q. Let's talk about those a little bit. I'm</p> <p>5 not going to read all of this highlighting, as it's</p> <p>6 most of the page, but if we look at page -- looks</p> <p>7 like it's page 2 from the document. For the second</p> <p>8 vignette, right here, isn't it correct that nurses</p> <p>9 said that they would be more likely to act on a male</p> <p>10 physician's assertive request than a female</p> <p>11 physician's assertive request?</p> <p>12 A. For the vignette activity you're saying?</p> <p>13 Q. Yeah. And it's this part right here that</p> <p>14 I'm implying to.</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. But also in this same vignette,</p> <p>17 nurses were equally unlikely to immediately stop and</p> <p>18 help either a male or female physician; is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And then, also, according to this second</p> <p>22 vignette -- sorry for the scrolling. Doesn't the</p> <p>23 paper also state that nurses had a near-universal</p> <p>24 resentment of the physician's aggression, whether</p> <p>25 the physician was male or female?</p>	<p style="text-align: right;">161</p> <p>1 A. It -- it depends. Null effects are</p> <p>2 notoriously less -- you know, less interpretable</p> <p>3 because there's a lot of potential reasons for --</p> <p>4 for null effects in an experimental setting or in a</p> <p>5 vignette study like this. But in -- you know, where</p> <p>6 you're doing sort of a repeated, careful attempt to</p> <p>7 replicate an effect, null effects can be</p> <p>8 informative. If you're trying to replicate prior</p> <p>9 effects and -- and you're repeatedly finding lack of</p> <p>10 statistical significance, then that would be</p> <p>11 important.</p> <p>12 Q. So just to be clear, so sometimes you find</p> <p>13 that it's appropriate to rely on a study where the</p> <p>14 findings lack statistical significance, but</p> <p>15 sometimes you don't?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 MS. BRADFORD: I want to next switch to --</p> <p>19 I'm putting this into the chat. It's Document K;</p> <p>20 we'll mark as Exhibit 10. Pull this up on the</p> <p>21 screen.</p> <p>22 (WHEREUPON, Exhibit 10 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. BRADFORD:</p> <p>25 Q. And, Dr. Glick, is this the Burton study</p>

<p style="text-align: right;">162</p> <p>1 from 2022 that you relied on?</p> <p>2 A. Looks like it.</p> <p>3 Q. So I'm going to go to page 3. And I'll</p> <p>4 read this. "Female physicians had disproportionate</p> <p>5 representation among reports referencing</p> <p>6 communication and conversational issues and the</p> <p>7 lowest severity level. Male physicians had</p> <p>8 disproportionate -- proportionate representation for</p> <p>9 ignoring or omitting procedures, process issues, and</p> <p>10 physical intimidation." Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. So is it fair to say that according to</p> <p>13 this study, male physicians were overrepresented</p> <p>14 among the reports in dealing with harsh or egregious</p> <p>15 behavior?</p> <p>16 A. Physical intimidation. So physical</p> <p>17 aggression, yes. And we know that if there's one</p> <p>18 robust actual sex difference in behavior, physical</p> <p>19 aggression is, you know, much more likely to come</p> <p>20 from men than from women. Certainly, more extreme</p> <p>21 physical violence is -- is predominantly male-</p> <p>22 generated. So that may be a difference in base</p> <p>23 rate.</p> <p>24 Q. Now, this study didn't examine the</p> <p>25 frequency with which male or female physicians</p>	<p style="text-align: right;">164</p> <p>1 - backlash research theory. Is that --</p> <p>2 A. Yes. And I believe they include that in</p> <p>3 the study, as well, but yeah.</p> <p>4 Q. So let's go to page 13 on Table 2. So</p> <p>5 according to this, is it correct that 636 female</p> <p>6 physicians worked at Stanford Hospital during the</p> <p>7 period covered by this study?</p> <p>8 A. I don't see the top of the table, and I'm</p> <p>9 getting -- I -- okay. Number of physicians. I -- I</p> <p>10 assume this is number of -- yeah. I mean, I -- I</p> <p>11 guess that's the case. Or there's a number of</p> <p>12 physicians involved in complaints in the study, but</p> <p>13 I'm guessing more that's the number of physicians</p> <p>14 overall. Yeah, that must be the number of</p> <p>15 physicians overall. Sure.</p> <p>16 Q. And then there were 844 male physicians?</p> <p>17 A. Yeah. That's what this table suggests,</p> <p>18 yes.</p> <p>19 Q. Then if we look at this side of the table,</p> <p>20 it mentions that 49 female physicians were the</p> <p>21 subject of a patient safety report, correct?</p> <p>22 A. Right. Fewer women overall were the</p> <p>23 subject of a safety report.</p> <p>24 Q. So 92 percent of female physicians were</p> <p>25 never the subject of a complaint, correct?</p>
<p style="text-align: right;">163</p> <p>1 actually exhibited any of the reported behavior,</p> <p>2 right?</p> <p>3 A. Right. And this is an organizational</p> <p>4 study. So you always -- again, trying to see how</p> <p>5 things cohere together or whether they do cohere</p> <p>6 together between laboratory studies that have</p> <p>7 certain kinds of weaknesses like you were asking me,</p> <p>8 "Were any of these people managers," right? That's</p> <p>9 why we have laboratory studies where we can control</p> <p>10 things that you're asking about. That's the</p> <p>11 strength of the lab study.</p> <p>12 The weakness of the lab study may be,</p> <p>13 well, does this translate into an organizational</p> <p>14 setting? That's where the organizational study can</p> <p>15 become very useful. But the organizational study</p> <p>16 often has the weakness of we don't know actually</p> <p>17 whether, you know, for instance, more men were using</p> <p>18 physical intimidation than women, right? We don't</p> <p>19 know the actual base rate of that. And so, you</p> <p>20 know, it's, again, looking at how these things</p> <p>21 interlock.</p> <p>22 Q. And, Dr. Glick, when you cite to this</p> <p>23 study, I think you cite to it within the context of</p> <p>24 talking about patient safety report data and how</p> <p>25 that, I think you say, is consistent with backlash -</p>	<p style="text-align: right;">165</p> <p>1 A. I think that would be -- so 49 -- okay.</p> <p>2 So you did -- you did the math then? All right.</p> <p>3 I'll trust your math, but yeah, I would hope that</p> <p>4 most physicians are not the subject of -- of these</p> <p>5 kinds of complaints. Yeah.</p> <p>6 Q. Okay. And of the 844 male physicians, 138</p> <p>7 were the subject of a complaint, right?</p> <p>8 A. That's what it looks like.</p> <p>9 Q. And that comes out to about 16 percent</p> <p>10 were the subject of a complaint?</p> <p>11 A. I guess.</p> <p>12 Q. So male physicians were twice as likely to</p> <p>13 be the subject of a complaint under this study,</p> <p>14 correct?</p> <p>15 A. I can't remember your initial figure for</p> <p>16 women, but yeah, I'll trust your math on this in</p> <p>17 terms of the base rates of overall complaints. The</p> <p>18 point of the study, however, relative to backlash is</p> <p>19 the type of complaints where women are</p> <p>20 overrepresented.</p> <p>21 Q. And if we look at the highlighted section</p> <p>22 of this text from page 6, I think it talks about how</p> <p>23 some of these complaints actually involved that some</p> <p>24 physicians were subject to multiple complaints,</p> <p>25 right?</p>

<p style="text-align: right;">166</p> <p>1 A. I wouldn't be surprised if that's the 2 case, yeah. 3 Q. For example, it talks about how some 4 received only one report, some received two to six, 5 things like that? 6 A. Yeah, yeah. I see that. Yes. 7 Q. The study doesn't tell us exactly how many 8 female physicians were the subject of multiple 9 complaints, does it? 10 A. Not that I know of. 11 Q. So if we go back to -- a different table. 12 On page 14, Table 3, you'll see that there are 88 13 complaints about these 49 female physicians. We 14 already established as 49 earlier. 15 A. Okay. 16 Q. Is that fair to say that then some female 17 physicians were obviously the subject of multiple 18 complaints? 19 A. That -- that suggest that's the case, 20 yeah. 21 Q. And the same is true for the men? 22 A. Yes. 23 Q. So if 92 percent of all female physicians 24 were not the subject of any complaints -- actually, 25 let me rephrase this.</p>	<p style="text-align: right;">168</p> <p>1 reports? 2 A. Do I know in this study? 3 Q. No, just generally. 4 A. I'm sorry. I'm not sure I understand what 5 you're asking. I mean, how would I -- how would I 6 possibly know who filed -- are you asking -- 7 Q. Do you know -- do you know -- 8 A. Are you asking in the Bala case? Are you 9 asking just generally who files patient's SAFETY 10 reports? My understanding is that staff, nurses, OR 11 techs, people like that would be -- 12 Q. Yeah. Yeah, I'm asking just generally, 13 Dr. Glick. You mentioned that staff can file, 14 nurses, OR techs. Can other physicians file patient 15 SAFETY reports? 16 A. I would imagine they could, but -- yeah, I 17 would assume so. 18 Q. I want to now talk about section five of 19 your report, which is titled the "Application to 20 Current Case and Opinions." 21 A. Yes. 22 Q. So on page 51 of your report, you state 23 that -- give me one moment -- you will point the 24 case decision-makers for issues to consider and note 25 when case facts are consistent with discrimination.</p>
<p style="text-align: right;">167</p> <p>1 Why don't we see more female physicians 2 being complained about under your backlash theory, 3 since they're obviously in a position of power and 4 authority at the Stanford hospital? 5 A. It's, again, not just being in the 6 position of power and authority, as we talked about 7 before interactions, right? It's their demeanor, as 8 well. So if they have an assertive demeanor, that's 9 -- that's a different story than -- I think a lot of 10 women in these positions learn that -- and they're 11 also -- women are socialized to be nicer than men. 12 That's part of the gender stereotyping, right? So, 13 you know, a lot of women can blunt that possibility 14 by doing things like, you know, being -- you know, 15 being much less assertive than they might otherwise 16 be in that role. 17 Q. One final thing on this study. I want to 18 go to page 5. This notes in the highlighted text 19 that: We did not examine the demographic information 20 or job position of the author of the SAFE report 21 because events are often filed anonymously. So in 22 other words, this study didn't examine who actually 23 files the patient SAFETY reports, right? 24 A. Right, right. 25 Q. Do you know who can file patient SAFETY</p>	<p style="text-align: right;">169</p> <p>1 Is that -- did I read that correctly? 2 A. Yeah. 3 Q. Is it your role in this case to point the 4 jury toward issues to consider and note when case 5 facts are not consistent with discrimination? 6 A. Well, I'm looking at this idea of a 7 pattern, right? If you're trying to diagnose 8 somebody's symptoms, you look for what diseases 9 those symptoms are consistent with. So, you know, 10 I'm not -- I'm saying you should definitely look at 11 some of these issues to assess whether or not 12 discrimination occurred and, you know, sort of like 13 looking for a negative. I -- you know, I think -- 14 you know, I don't -- I don't know how I would do 15 that, other than I do try to point out things in my 16 report that would lead to less likelihood of 17 discrimination in general. 18 Q. You mentioned sort of looking at symptoms 19 and things like that. So, Dr. Glick, bear with me 20 as I ask you about this hypothetical. And it's 21 confusing, please ask me to rephrase. But say I go 22 to the doctor, and I say, "I'm having really bad 23 headache." 24 My doctor says, "Well, let's look for 25 symptoms of brain cancer" and just looks at that.</p>

<p style="text-align: right;">170</p> <p>1 And doesn't say, for example, "Let's look at 2 symptoms that might be a thyroid issue, or hormonal 3 issue," something like that. 4 Would you be concerned if the doctor just 5 went to one specific thing that could be causing the 6 headaches and just looked for symptoms that 7 confirmed that? 8 A. Well, what I'm saying is I'm looking for 9 ways in which that you can apply the pattern seen in 10 the general research. You know, what are these 11 alternative explanations? The alternative 12 explanation is Dr. Bala is -- has -- has a negative 13 personality. I mean, that's -- that's the 14 alternative, I think, that you would offer, right? 15 That she did things that were, you know, beyond the 16 pale or -- or something like that. And the question 17 is, okay, could this possibly be discrimination? 18 Well, let's look at that possibility. Here's the 19 ways in which that's possible. But I'm not ruling 20 it -- you know, I'm not ruling out other 21 alternatives the jurors -- you know, the 22 alternatives that you will present. The jurors have 23 to weigh that against this other alternative. 24 Q. In your report, did you make note anywhere 25 of -- of -- when a decision was made or an action</p>	<p style="text-align: right;">172</p> <p>1 that they are concerned about patient -- about -- 2 about communication in the OR and -- and those sort 3 of things, and they have a right to be concerned 4 about that. And that is a patient-safety issue 5 that, for the HR investigations, the actual 6 investigations themselves, you know, really focused 7 in on, well, what actually happened? Let's get past 8 these sort of inferences about who Dr. Bala is or 9 what her motives are or these other things that are 10 clearly what we call in -- in social psychology 11 dispositional inferences that are subject -- subject 12 to potential stereotyping bias. Let's look at what 13 actually happened and what actually people report 14 what -- what literally was said and so on, right? 15 And I think that was -- that was, 16 actually, very well done, right, that part of the 17 investigation, to the extent that you can get at 18 those issues. You know, you can't -- you know, you 19 don't have, again, instant replay tape of the -- of 20 the incident. 21 So I think I -- I do talk about that other 22 possibility there, even though I initially say that 23 in the beginning of the section. I think I do 24 contrast these two possibilities. 25 Q. So, Dr. Glick, just to be clear, is it</p>
<p style="text-align: right;">171</p> <p>1 was taken, did you ever make note where it was maybe 2 consistent with something other than discrimination? 3 For -- I think the example that you gave -- that you 4 gave was maybe consistent with behavior, bad 5 behavior on Dr. Bala's part. Did you ever make note 6 of that? 7 A. Well, I mean, the -- the -- that's the -- 8 that's the alternative that's -- that's very least 9 implicitly, and I think explicitly there in my 10 report, right? Well, was it? And I think I'd say 11 this. I think I say there, you know, was she -- 12 there could be behavior that just rises above, you 13 know, the standard at which you have to do 14 something, right? 15 I talk about I have no dispute with OHSU's 16 being concerned about communication in the OR, 17 right? And -- and so I think I present that other 18 alternative. Actually, if you read the report 19 carefully, although, I say this overall, you know, 20 thing about pointing out consistencies, I do -- in 21 the section, I think if we read through it, I do 22 contrast these two possibilities, and I don't rule 23 out the other possibility. 24 And I do also, you know, say where I think 25 OHSU did something right. For instance, you know,</p>	<p style="text-align: right;">173</p> <p>1 your testimony that in this report, be it in this 2 section or any other, that you point out instances 3 where decisions were made or actions were taken, 4 where those decisions or actions were not consistent 5 with discrimination or were consistent with some 6 alternative explanation? 7 A. What I'm saying is that I contrast these 8 two alternatives and -- you know, to understand 9 whether it's consistent or not. And maybe I 10 should've added "or not" to avoid this whole -- this 11 whole issue at that beginning there. But I'm 12 contrasting, you know, is it -- is it possibly 13 discrimination? 14 And -- and there's always the alternative 15 there that I think I frame it as, you know, yes, a 16 physician's behavior -- a female physician's 17 behavior could rise to a level that, you know, would 18 be appropriate to not renew her contract, to fire 19 her, to discipline her, or -- or whatever. It's a 20 question of whether there was a double standard, 21 whether there was sort of this kind of echo chamber, 22 or the -- the game of telephone where the -- the -- 23 the accounting for the event became more extreme in 24 a stereotype consistent direction, right? Those are 25 -- are things that are consistent with</p>

<p style="text-align: right;">174</p> <p>1 discrimination.</p> <p>2 The alternative would be the behavior was</p> <p>3 so egregious, and I think I -- I do contrast those</p> <p>4 two potential explanations, and I don't make the</p> <p>5 ultimate conclusion.</p> <p>6 Q. Dr. Glick, do you mention anywhere in your</p> <p>7 report the evidence that Dr. Bala's conduct had</p> <p>8 prompted complaints at other hospitals?</p> <p>9 A. I did see that in -- I did see that issue</p> <p>10 being aired in -- in her deposition, and then there</p> <p>11 were some exhibits, I think, from UPenn teaching</p> <p>12 ratings, I think, or something like that. And then</p> <p>13 there's -- was it Arizona -- University of Arizona or</p> <p>14 some subsequent job in Arizona?</p> <p>15 Q. Did you mention those in your report?</p> <p>16 A. No. I was focused in on -- on this case,</p> <p>17 and I focused on the evidence contained in -- in --</p> <p>18 in the documents that I had access to for this case.</p> <p>19 I don't -- yeah. And -- and as far as -- okay. Go</p> <p>20 ahead. Ask -- ask your question. I assume I -- I'm</p> <p>21 anticipating what your next question is going to be,</p> <p>22 but go ahead.</p> <p>23 Q. If complaints were made about her conduct</p> <p>24 in different work settings by different people,</p> <p>25 wouldn't that raise questions about whether Dr. Bala</p>	<p style="text-align: right;">176</p> <p>1 really pleasant and -- and a really good teacher or</p> <p>2 good to work with." So there was, like, this</p> <p>3 inconsistency in perceptions of her, which would be</p> <p>4 more consistent, actually, with a stereotyping</p> <p>5 explanation than with a, yo know, egregious behavior</p> <p>6 explanation.</p> <p>7 Q. And, Dr. Glick, I just want to make sure</p> <p>8 that I'm getting your -- you answer down correctly.</p> <p>9 So in terms of complaints made against Dr. Bala and</p> <p>10 her prior subsequent employment, you would agree</p> <p>11 that it -- it could indicate that she faced</p> <p>12 discrimination at those places, as well, or it could</p> <p>13 indicate that she exhibits unprofessional conduct in</p> <p>14 the workplace, correct?</p> <p>15 A. Yes. It's consistent with either of these</p> <p>16 two potential explanations, and therefore, you know,</p> <p>17 it doesn't solve the issue, right? I don't think</p> <p>18 you can make the argument that because there were</p> <p>19 some complaints that were similar across these</p> <p>20 different settings, which are all medical settings</p> <p>21 all -- you know, again, these factors that we've</p> <p>22 already talked about ad nauseam, I don't think you</p> <p>23 can make the argument that, therefore, it must be</p> <p>24 her, right, because we would expect the possibility</p> <p>25 for bias in -- in -- in each of those situations.</p>
<p style="text-align: right;">175</p> <p>1 conducts herself professionally in work settings?</p> <p>2 A. Well, there's, again, two alternatives,</p> <p>3 and I think I do consider them both in my report.</p> <p>4 And we know that gender bias and gender stereotypes</p> <p>5 are pervasive in the sense that we all kind of carry</p> <p>6 around, or people carry around these gender</p> <p>7 stereotypes and have internalized them to some</p> <p>8 extent. And the studies show that when you have</p> <p>9 this combination of somebody who's assertive and --</p> <p>10 and ambitious and in a high-status power role who is</p> <p>11 also female, that that is a circumstance that can</p> <p>12 elicit these kinds of comments about dislikeability,</p> <p>13 abrasiveness.</p> <p>14 So I would expect, from the perspective --</p> <p>15 it's really not diagnostic, is what I'm saying</p> <p>16 because, you know, it -- it's consistent with either</p> <p>17 explanation. It could be that Dr. Bala is behaving</p> <p>18 in an egregious way. It could also be that, as we</p> <p>19 know, backlash tends to occur in certain specific</p> <p>20 kinds of situations, certain specific kinds of</p> <p>21 people, and that those -- that -- that -- that</p> <p>22 existed in all of these situations.</p> <p>23 And as I recall, I mean, as far as the</p> <p>24 teaching ratings or -- or whatever it was, at UPenn,</p> <p>25 there were plenty of people saying, "Oh, she's</p>	<p style="text-align: right;">177</p> <p>1 But this case revolves around what</p> <p>2 happened at OHSU, and that's where the documents</p> <p>3 really allowed me to dig into events in a detailed</p> <p>4 way, and I think that's much more diagnostic of the</p> <p>5 possibility of discrimination.</p> <p>6 Q. But, Dr. Glick, you also make note of the</p> <p>7 questions in this section that the jury must decide</p> <p>8 or consider in this case. And I'll give you an</p> <p>9 example. On page 54, you lay out four questions</p> <p>10 that, according to you, "decision-makers must decide</p> <p>11 the answers to."</p> <p>12 A. I mean, them, not me, I think.</p> <p>13 Q. Correct. You -- you say that the -- the</p> <p>14 jury --</p> <p>15 A. Yeah. I'm not -- I'm not trying to take</p> <p>16 the -- the role of -- instructions to the jury away</p> <p>17 from the judge. I just want to be clear. I think</p> <p>18 the context here is that these are questions for</p> <p>19 them to consider and not ones that I can ultimately</p> <p>20 -- or that I feel in my role to ultimately resolve.</p> <p>21 Q. Yes. So again, I -- I agree with you that</p> <p>22 you note that these are questions that the jury must</p> <p>23 consider. How did you select these questions?</p> <p>24 A. Well, because these are the questions that</p> <p>25 really revolve around the possibility that there</p>

<p style="text-align: right;">178</p> <p>1 could be bias, and they need to decide whether they 2 think it was bias versus not. 3 Q. What's your basis for selecting these 4 specific questions? 5 A. They seem to me, after reading all the 6 documents in the case, they seem like the most 7 pressing questions for trying to figure out whether 8 there was bias or not. You know, in -- in some 9 other case, there might be issues with being treated 10 differently because you got pregnant and have young 11 children and you're seen as less committed. Well, 12 that's not a -- not an issue in this case, right? 13 These seem to be -- from the documents I read, these 14 seem to be kind of the -- the core questions where 15 there was likely potential for bias and that the 16 jury needs to kind of sort through to determine 17 whether they think there was. 18 Q. So -- I mean, can you walk me through what 19 -- what sources you relied on or what methodology 20 you relied on in determining that, in this case, 21 these are the -- the core -- these are the core 22 questions for the decision-makers to answer? 23 A. I mean, here I'm relying on my expertise, 24 right? I make it very clear in the introduction to 25 this section that this is not doing science, right?</p>	<p style="text-align: right;">180</p> <p>1 for discrimination. 2 Q. In your opinion, are these the only 3 questions that the jury must decide in this case? 4 A. Again, the questions the jury must decide 5 is -- is -- is up to -- I think, to the judge in the 6 case, and -- yeah, I mean, I think you're -- you're 7 reading a lot into "must," right? I'd be content to 8 say these -- these are the questions I think the 9 jury should focus on when they're trying to pick 10 apart whether discrimination occurred or not. I -- 11 this -- this "must" does not carry the weight of 12 some judge's jury instructions. 13 Q. And, Dr. Glick, I understand you commented 14 that I'm reading a lot into what you wrote here, but 15 I'm trying to just sort of ascertain why you wrote 16 what you wrote. Do you think that the jurors should 17 consider any questions beyond the ones that you've 18 listed out here? 19 A. I mean, they're absolutely able to -- to - 20 - to -- to consider -- I don't have a -- a position 21 here where I can dictate what the jury has to do. 22 And I'm very careful to say, "Look, they have to 23 come to their own decision." 24 But from my expert reading of the case 25 facts, if there was discrimination, these are the</p>
<p style="text-align: right;">179</p> <p>1 This is my application as an expert. This is my 2 expert opinion. And these are the -- the issues 3 that jump out to me based on the -- the case facts, 4 right? You know, I don't focus on things that -- 5 I'm focusing on things that -- that are relevant to 6 the decisions about Dr. Bala. 7 Like you were asking me before, "Well, why 8 did you include something in the general section on 9 discrimination in referrals?" And I said, "Well, 10 that was general context." Now, we're into the 11 report on specific things for the jury to consider. 12 I'm not bringing that up because that's not an 13 allegation of the case. 14 Q. So again, you've mentioned that it's based 15 on your expertise, your application of that. And so 16 what I'm trying to get at is what are -- what are 17 you applying to decide what questions the jury must 18 decide, what principle, what methodology, what 19 criteria? Point me to that exactly. 20 A. Again, I'm using my expertise and 21 combining that with my reading of all these case 22 documents to see what I think the processes that are 23 -- are relevant in those processes that any expert 24 in sex discrimination, I think, would land on the 25 similar sorts of issues where there was potential</p>	<p style="text-align: right;">181</p> <p>1 things where that would be possible or likely. And 2 so you need to go through these issues if you're 3 really going to sort through whether discrimination 4 occurred or not. So -- so from the perspective of 5 what are the -- what's the potential for 6 discrimination, these are the things from my expert 7 perspective that really should be focused on. 8 Q. Do you think that the jury should 9 consider, for example, whether Dr. Bala's testimony 10 might be self-serving? 11 A. Well, I think absolutely they will 12 consider that. I'm not making credibility 13 judgments. And -- and -- and as you will see in the 14 rest of my report, I'm generally not focused on Dr. 15 Bala's testimony or saying, "Oh, you should just 16 listen to what Dr. Bala's feelings are." I'm saying 17 look -- look at the incidents. Look at the 18 eyewitnesses to the incident. Look at what they 19 said. Look at how that was then conveyed by Dr. 20 Henrikson and -- and -- and perhaps altered by him, 21 given the case facts. And -- and that's the sort of 22 thing to focus on. 23 I'm pointing them to the evidence. And I 24 may mention once in a while Dr. Bala's perspective. 25 But by no means am I trying to imply that they</p>

<p style="text-align: right;">182</p> <p>1 should just -- you know, just accept Dr. Bala's 2 testimony as the truth.</p> <p>3 Q. And, Dr. Glick, I -- I completely 4 appreciate that. You're not making a credibility 5 judgment here. And I think you said that, you know, 6 they will look at Dr. Bala's testimony and accept 7 his credibility. But my question is, in your 8 opinion, should the jury consider whether Dr. Bala's 9 testimony might be self-serving?</p> <p>10 A. I think it's fine for them to consider 11 that.</p> <p>12 MR. BRISCHETTO: Objection. Asked and 13 answered. Go ahead.</p> <p>14 THE DEPONENT: Yeah, I think it's fine for 15 them to consider that. You know, I didn't -- I -- I 16 guess I kind of presume that the jury is going to be 17 skeptical about, you know, Dr. Bala. They're not 18 going to rely on just Dr. Bala saying, "I was 19 discriminated against," and we're going to -- "Oh, 20 okay. He was," you know.</p> <p>21 And I think everybody does intuitively 22 understand. I think the nuances of discrimination 23 is something where you need an expert to -- to 24 shepherd you through when and how and the form this 25 takes with self-serving bias. I think we all</p>	<p style="text-align: right;">184</p> <p>1 decide whether Dr. Bala behaved inappropriately?</p> <p>2 A. Okay. I don't think I say they must do 3 that. So again, I think -- as you read this 4 section, I think, again, you're reading a lot into 5 this "must." And I'm not saying this is the only 6 thing they need to consider. And -- and I do, later 7 on, I think, contrast those two possibilities.</p> <p>8 And so I think it's kind of implicitly 9 contained in here. Is it that she's behaving 10 egregiously? I mean, I guess I just -- I think 11 that's kind of the obvious alternative, and it is 12 explicitly an alternative that I contract to. So I 13 think this is, to me, not really an issue.</p> <p>14 Q. Dr. Glick, should the jury consider 15 whether Dr. Bala's conduct violated any workplace 16 policies or a code of conduct?</p> <p>17 A. Sure. I think they should consider that, 18 but I also think that -- that the core of the 19 question of discrimination is whether they think 20 there's a double standard being imposed. That, you 21 know -- right? You can violate a policy and nobody 22 can care. You can violate a policy and get a slap 23 on the wrist. You can violate a policy and get 24 fired. And those are very different kinds of 25 outcomes. If there's a double standard in the level</p>
<p style="text-align: right;">183</p> <p>1 understand that somebody, you know, who has a bad 2 outcome is likely to be defensive about it. I -- I 3 think that kind of falls maybe under the -- the -- 4 the -- something -- the -- the sort of standard that 5 can get you excluded as an expert that "Well, that's 6 common."</p> <p>7 Q. And, Dr. Glick, I -- I am not asking you 8 if you think it's fine for them to -- I am asking 9 you yes or no, should the jury consider whether her 10 testimony might be self-serving?</p> <p>11 MR. BRISCHETTO: Objection. Asked and 12 answered. And argumentative. Go ahead.</p> <p>13 THE DEPONENT: Sure. I think they should 14 consider that.</p> <p>15 BY MS. BRADFORD:</p> <p>16 Q. Should the jury consider whether Dr. Bala 17 behaved inappropriately?</p> <p>18 A. Yes, of course. Yes. Whether she behaved 19 inappropriately versus whether it was 20 discrimination. I think -- I think I do make that 21 clear in that section, but, yes, those are the 22 alternatives.</p> <p>23 Q. Looking at page 54, Dr. Glick, and take a 24 moment to read through it. Where, on page 54, do 25 you say that the jury should, or in this case, must</p>	<p style="text-align: right;">185</p> <p>1 of discipline or punishment that's based on gender, 2 and if the jury thinks that's the case, well, then - 3 - then that's discriminatory.</p> <p>4 Q. So, Dr. Glick, again, we've -- we've 5 established that -- that you wrote that these are 6 questions that the jury must decide. So I just want 7 to take a step back here. You don't hold a law 8 degree, correct?</p> <p>9 A. I don't, what? Law degree, oh. I -- I do 10 not hold a law degree. And again, I -- I think I 11 made it clear earlier that I do not see this as 12 having the weight of a judge's instructions. And as 13 I -- as I hear you harping on this word "must," I 14 mean that -- you know, that -- that was -- I -- I 15 could easily substitute "These are questions for the 16 jury to consider." But I think these are the 17 trenchant questions when it comes to discrimination.</p> <p>18 Q. Have you had any legal training?</p> <p>19 A. Other than having a lot of experience as 20 an expert witness and learning things through that 21 experience and interaction with lawyers in the 22 courts, I have not had any formal legal training.</p> <p>23 Q. How do you define discrimination?</p> <p>24 A. Double standards, right, that I've been 25 talking about. So in a nutshell, it's treating</p>

<p style="text-align: right;">186</p> <p>1 people differently based on some social category 2 membership. And so it would be something like for 3 the same behavior, punishing women more than men, or 4 treating people in other categories differently than 5 -- than -- you know, based on the same kind of level 6 behavior. 7 Q. Do you know the elements of a claim to 8 assess discrimination, the legal elements? 9 A. I, again, am not a lawyer. If you're 10 asking me to quote, you know, some -- when I -- when 11 I say discrimination, I am defining it in terms of 12 how psychologists and researchers in my field would 13 define it. And I am not ultimately opining on the 14 legal question. So I would like to -- if -- if 15 that's what you're getting at, I would like to just 16 state that I'm -- I'm using -- I'm not -- I'm using 17 the sort of commonly held definition of 18 discrimination among psychologists and researchers 19 in this area. 20 Q. And I'm assuming the same is true for race 21 discrimination. Your definition is based on your 22 field of social psychology, not the legal elements 23 of race discrimination, correct? 24 A. Yes, I would say it is. But I think the 25 definition, again, of double standards, treating</p>	<p style="text-align: right;">188</p> <p>1 So just to be clear, how can you tell the 2 jury whether facts are consistent with 3 discrimination in the context of this case and these 4 claims that have been brought? 5 A. Well, I think the legal definition of 6 discrimination -- are you telling me that it 7 contradicts the definition that I'm using? Is there 8 a crucial difference here? So that's one question I 9 have for you. 10 But again, the jury will be instructed by 11 the judge on the legal definition of discrimination. 12 I'm saying from the perspective of 13 research, discrimination shows up in double 14 standards being applied to people based on their 15 social category membership, and I think that 16 definition likely fits within the rubric of 17 discrimination in legal settings. 18 Q. So you asked me a question, Dr. Glick, 19 with all due respect, you're the witness right now. 20 You're the one who's being asked questions and has 21 to answer them. 22 Is there a difference between legal 23 discrimination and discrimination in the context 24 that you know it? 25 MR. BRISCHETTO: Objection. Calls for</p>
<p style="text-align: right;">187</p> <p>1 people differently, you know, and unfairly so, and 2 unimportant, that's, I think, how people understand 3 discrimination, as well. 4 Q. And you understand, as we've pointed out, 5 you -- you don't have legal training. You've been 6 through this quite enough that in the courtroom, 7 certain words like discrimination have special 8 meanings, right? 9 A. I know that they can and that psychology 10 and the law can have some different nuances in the 11 meanings of things. And I leave that to a judge's 12 instructions to make it clear to the jury what 13 they're supposed to be deciding upon. 14 Q. And to that point, you would agree with me 15 that it is the judge's job alone to instruct the 16 jury on what discrimination means in that courtroom? 17 A. Yes. 18 Q. So throughout your report, you state that 19 you have considered and are opinion on whether these 20 facts are just consistent with potential 21 discrimination. 22 A. Right. 23 Q. So we've established that you -- you don't 24 know the elements or the legal definition of 25 discrimination.</p>	<p style="text-align: right;">189</p> <p>1 speculation. Go ahead. 2 THE DEPONENT: Again, I'm not -- I'm -- I 3 never claimed to be a lawyer, and so I would defer 4 to the -- the -- the legal experts in the definition 5 of discrimination for any sort of instruction to the 6 jury. 7 And I'm using the word in the -- you know, 8 I've -- I've been very clear about the meaning that 9 I applied to -- to the word discrimination and how 10 we conceptualize it in research. And so that -- 11 that should be clear. 12 And if a judge disagrees that this -- just 13 says, "Well, no, that doesn't really apply to what 14 you're supposed to do as a jury," well, then the 15 judge will make that instruction. 16 BY MS. BRADFORD: 17 Q. So to that point, on page 50 of your 18 report you -- and you've mentioned this earlier, but 19 you talk about how your testimony will -- will stay 20 within the bounds defined by Federal District Court 21 Judge Nancy Gertner. 22 And she was the judge on that Tuli case 23 that we talked about, correct? 24 A. Yes. My understanding of her reason for 25 including me in that case, where I did write an</p>

<p style="text-align: right;">190</p> <p>1 application to the case section, where I think I 2 used pretty similar language. 3 Q. You're aware that she's not the judge of 4 this case, right? 5 A. Of course, yeah. And I -- I -- yeah, of 6 course. I -- I -- I believe she is now retired as a 7 federal district judge and teaches at Harvard. 8 Q. She retired over 10 years ago, right? 9 A. I -- I haven't followed her career that 10 closely. 11 Q. And she isn't the one who decides what you 12 can or cannot testify about, right? 13 A. Absolutely, yes. And that's -- we talked 14 about this earlier, and it would be nice if there 15 were a clear, consistent set of interpretations of 16 the rules for including experts. But clearly, 17 different judges have different interpretations, and 18 they are allowed some discretion. 19 So the trial judge has a lot of 20 discretion, and I have -- I have little doubt that 21 you will try to convince the trial judge that my 22 testimony should be limited or excluded. That's the 23 way the game is played in -- in -- in these legal 24 cases. 25 Q. Dr. Glick, is extended contact with</p>	<p style="text-align: right;">192</p> <p>1 And so when you structure things by roles 2 and stereotypes that have women being more 3 accommodating or prescribing women to be more 4 nurturing, accommodating, less powerful, less -- 5 less ambitious, all of those other sorts of things, 6 men to be more risk-taking, ambitious, assertive, 7 and powerful, then daily contact just reinforces -- 8 you know, in those kind of role contexts, daily 9 contact just -- contact can reinforce those status 10 divisions, right? 11 If you think about a system -- I'll give 12 you an example that's not gender. If you think 13 about a system like, you know, in the old south, 14 right, during the days of slavery and -- and the -- 15 and the Jim Crow era as well, right? Jimmy Carter 16 talked about this, for instance, just anecdotally in 17 his -- in his autobiography, that, you know, he 18 played with black friends when he was a child. 19 But as they got a little -- they -- they 20 knew to come to the back door, right? He never told 21 them to come to the back door. He didn't know why 22 they had to come to the back door. They knew why 23 they had to come to the back door because there was 24 this status difference and they were at risk if they 25 violated that status difference. So the daily</p>
<p style="text-align: right;">191</p> <p>1 another person likely to reduce the risk of 2 discrimination? 3 A. That really depends. It can increase the 4 risk of discrimination. So you talk -- 5 Q. I'm sorry. Can -- 6 A. Sorry, go ahead. 7 Q. I'm sorry. I was coughing a little bit. 8 Do you mind saying your answer again? 9 A. Extended contact can actually exacerbate 10 discrimination in some cases. So if we're talking 11 about something like racism, right? Contact tends 12 to have, overall, a positive effect, but not always, 13 right? You know, so -- so groups that are highly 14 segregated in -- in daily life as they get to know 15 each other as people, that can quell some 16 discrimination. 17 But if you look at gender discrimination, 18 men and women throughout history have had close 19 daily intimate contact, and yet the history is that 20 this has been very compatible with discrimination. 21 That's -- that's the whole sort of contribution of 22 ambivalent sexism theory. Part of the contribution 23 of ambivalent sexism theory is to reconcile how can 24 you get this intimate interdependence and yet 25 maintain a power difference.</p>	<p style="text-align: right;">193</p> <p>1 contact can exist and reinforce those status 2 differences. 3 Q. So, Dr. Glick, I -- I think your answer 4 for this will be, "It depends," but correct me if 5 I'm wrong. 6 A. Most likely. 7 Q. Can individuating information be a factor 8 that can reduce the risk of discrimination? 9 A. Yes, it definitely depends. It's the same 10 thing. It can exacerbate discrimination. So I 11 talk, I think, in my report about descriptive 12 stereotyping and prescriptive stereotyping. With 13 descriptive stereotyping, it's like, "Oh, we expect 14 women to be warmer," right? That's part of the 15 stereotype. And so we're not surprised if a woman 16 is warm and we then, you know, rapidly slaughter 17 into that -- that sort of role and that stereotype, 18 right? 19 But if she defies that stereotype, we'll 20 say, "Oh, no, she's not warm. She's not like most 21 women." But if that is also a prescription, a 22 prescriptive stereotype, she should be warm. She 23 shouldn't be assertive and ambitious. Then you get 24 prescriptive discrimination, right? Like backlash 25 is a prescriptive discrimination. So individuating</p>

<p style="text-align: right;">194</p> <p>1 information gets rid of the initial stereotyping, 2 right? I might assume, "Oh, she's warm. She's 3 going to be warm because she's female," right? And 4 then I see, "Oh" -- I think, "Oh, no, she's not. 5 And in fact, now I hate her because she's not," 6 right? 7 I think I use that example of, you know, 8 descriptive stereotype would be: Norwegians love to 9 ski. You meet a Norwegian, and they say, "I've 10 never skied in my life." And you're surprised, 11 right? But now you're like, "Oh, okay, well, not 12 all Norwegians love to ski. This person is an 13 exception to the stereotype." Okay. That's fine, 14 because that's just a descriptive stereotype. 15 And now, the stereotype that men should be 16 brave, I used that example, right? The rabid dog 17 attacking and the man jumping behind the woman, 18 right? That's a prescriptive stereotype. And you 19 say, "This guy's not brave. And, in fact, he's a 20 horrible person," right? "He's a bad boyfriend. 21 She should break up with him. Nobody should trust 22 him," right? That would be an example of the 23 prescriptive kind of stereotyping. 24 So the individuating information, yes, has 25 successfully gotten rid of the stereotype that he's</p>	<p style="text-align: right;">196</p> <p>1 Thank you, Vincent. 2 BY MS. BRADFORD: 3 Q. Dr. Glick, do you think that 4 accountability can reduce the risk of 5 discrimination? 6 A. So holding just -- say, decision-makers 7 accountable for, let's say, having more equity and 8 promotions and things like that, yes. It can help, 9 yes. 10 Q. Do you know whether anyone at OHSU is 11 accountable to Dr. Bala for the decision to not 12 renewed the contract? 13 A. Accountable to Dr. Bala. Usually, when 14 we're talking about accountability, it's that 15 there's some oversight by people higher up, right, 16 in an administration for decisions that are made 17 about things like promotion or -- or how somebody's 18 evaluated or things like that. 19 So that -- that there is really discussion 20 and concern about are we not applying double 21 standards, some way of assessing whether we are, 22 checking on circumstances where there might be the 23 likelihood of double standards, that sort of thing. 24 So it's not -- it wouldn't be accountability to Dr. 25 Bala per se. It would be accountability up the</p>
<p style="text-align: right;">195</p> <p>1 going to be courageous because he's male, but it has 2 led to condemnation because he has violated a 3 prescription. So that is a crucial thing for people 4 to understand. 5 Q. Dr. Glick, I understand your testimony 6 that individuating information can exacerbate, I 7 think you said, discrimination or the risk of 8 discrimination. 9 A. Right. We can -- 10 Q. Is it -- 11 A. Especially prescriptive. 12 Q. Let me -- let me finish first. 13 A. Sorry. 14 Q. Is it true that it can also mitigate the 15 risk of discrimination? 16 A. When the stereotype is not prescriptive, 17 then it can mitigate the chance of discrimination. 18 MS. BRADFORD: Is it possible -- can I get 19 a quick time check on where we're at, Ms. Byrd? 20 THE REPORTER: Four hours and 10 minutes. 21 THE VIDEOGRAPHER: And, Ms. Bradford, I 22 just want to let you know you are still currently 23 sharing your screen. I just wanted to let you know. 24 MS. BRADFORD: Just a black screen that 25 you all have to look at. Sorry.</p>	<p style="text-align: right;">197</p> <p>1 chain of command is normally we're talking about. 2 Q. Can objective measures or benchmarks be 3 used to reduce the risk of discrimination? 4 A. They can, and that's certainly, in HR 5 circles, considered a practice that can -- can help. 6 When you, you know, take away -- it's really -- you 7 know, when you think about this, in terms of not so 8 much in the formal evaluations that are made about 9 someone, which, where we see less likelihood of -- 10 of discrimination than in the actual decisions made 11 about them, it's translating to a fair process, a 12 fair, transparent, accountable process so that you 13 are saying, "Okay, well, if they fulfill these 14 criteria and these evaluations that you guys may 15 have," that -- that can help mitigate 16 discrimination. 17 Q. Do you know whether OHSU had objective 18 measures or benchmarks in place that were used in 19 evaluating Dr. Bala's performance on the job? 20 A. I think they're -- usually in medical 21 settings, there's, you know, the RWVUs or R -- 22 whatever, those value units and those sorts of 23 things are part of assessing someone's performance. 24 There's certainly benchmarks for things like 25 completing notes and things like that. That's very</p>

<p style="text-align: right;">198</p> <p>1 typical in medical settings. You know, then there's 2 other sorts of things that are more judgment based, 3 like, "Oh, we think she's abrasive and bad 4 communicator." Those sorts of things where there 5 might not be as clear-cut a benchmark or way of 6 evaluating. 7 Q. Do you know if OHSU had any of these kinds 8 of benchmarks? 9 A. I believe they had things like looking at 10 relative value units and -- and completion of notes 11 and things like that. But I'm not -- I'm not 12 recalling -- it's been a while. Yeah, I'm not 13 recalling their exact process. All the things that 14 go into their -- their evaluation system. 15 Q. There may be a few, but you can't say for 16 sure how many or what they are? 17 A. Yeah, I can't recall at this point. 18 Q. On page 50 of your report, you note that: 19 Should the case -- for example, I'll use language 20 such as, should the case decision-makers find 21 allegation X credible, such behavior would be 22 consistent with research showing Y. And then you 23 sort of follow that framework throughout section 24 five of your report. 25 A. Right. Yes.</p>	<p style="text-align: right;">200</p> <p>1 before, you might think that I'm harping on this 2 point, but it's an important thing I want to hash 3 out. 4 When you say that you're relying on your 5 expert knowledge in this regard, what specific 6 scientific method or principle have you been trained 7 in, or are you relying on that you use to determine 8 whether an allegation, if credible, is consistent 9 with social science research or is consistent with 10 discrimination? 11 MR. BRISCHETTO: Objection. Asked and 12 answered. Go ahead. 13 THE DEPONENT: Yeah. I -- I think it is 14 the same answer. I'm telling you that there isn't a 15 scientific method that I know of by which one can do 16 that. 17 But again, if you got randomly selected 10 18 researchers who do what I do, I think they would 19 hone in on the same things. Just, you know, that 20 these are the things -- when you understand the 21 patterns that -- that occur according to the 22 research, these are the -- the relevant possible 23 areas where there's potential evidence for 24 discrimination. 25 And therefore, these are the ones that are</p>
<p style="text-align: right;">199</p> <p>1 Q. What method did you use to determine 2 whether an allegation, if credible, would be 3 consistent with research showing why? 4 A. Again, here's where I'm relying on my 5 expert knowledge of the field and -- and the 6 circumstances under which discrimination is likely 7 to -- more or less likely to occur, and the forms 8 it's more or less likely to take, all of those sorts 9 of things. Those are what allow me to hone in on 10 where I see the most important issues for the jury 11 to consider. 12 So as I note at the beginning of the 13 section, this is not in itself a scientific process. 14 It's applying my knowledge of the science, which is 15 based in scientific methodology and error rates and 16 all those other things, to the patterns that, you 17 know, are evident in the case documents, and -- and 18 then saying, "Okay. Well, these are the -- the 19 potential areas, right, to look at." 20 Now, what's the decision? That's up to 21 the jury to decide whether that evidence warrants 22 the conclusion from a legal standard, whatever legal 23 standard the judge gives, that -- that this might be 24 discrimination or not. 25 Q. So, Dr. Glick, you know, like -- like</p>	<p style="text-align: right;">201</p> <p>1 going to be most important from that perspective to 2 -- to examine, and the jury should examine them 3 independently and, you know, providing a framework 4 that might be helpful to them in picking apart these 5 things and a -- away of thinking about it. 6 But -- but that's still up to them to 7 decide whether the alternative that Dr. Bala behaved 8 in egregious behavior, that alternative is more 9 likely than the alternative that she was 10 discriminated against or whether they think, "I 11 don't like all of her behavior, but she also was 12 discriminated against" because both can coexist. 13 There can still be double standards. 14 BY MS. BRADFORD: 15 Q. How do we determine whether you are 16 correct that an allegation is consistent with 17 discrimination? 18 A. Well, again, I think you'd have to consult 19 other experts in my field, and, you know, that -- 20 that would be one way you could try to do that. 21 I -- you know, again, I think this is how 22 expert opinion works. And again, it depends on the 23 judge, right? In the "Mullinex" case, they said, 24 "Well, no, that -- that-- that part of the report is 25 no good." And -- or, you know, in the "Nikolova"</p>

<p style="text-align: right;">202</p> <p>1 case, "That part of the report was excluded." So 2 depending on your judge's opinion on this, they -- 3 you -- you could potentially get that aspect of -- 4 of what I opine excluded, and -- and that's -- you 5 know, that's a legal decision. 6 And as I said, I'm not a lawyer. I tried 7 to color within the lines, you know, stay within the 8 guardrails of -- you know. Sometimes those -- those 9 -- those rules seem to shift or -- or be imposed 10 differently by different trial judges. And if your 11 trial judge deems that to be going too far, you 12 know, I -- I've done my best, and -- and -- and 13 fine, you know? So I don't know how else to answer 14 that. 15 Q. Dr. Glick, when you are opining that -- 16 you know, maybe research is -- oh, sorry, excuse me 17 -- whether facts are consistent with the research, 18 or whether, you know, for example, such behavior 19 would be consistent with research showing why, when 20 you're giving an opinion like that, do you need to 21 know whether the situation in this case was similar 22 to situations involved in the research? 23 A. Well, I'm -- it's pretty broad. And I -- 24 you're getting something more specific here. I 25 mean, we know that for instance -- so -- so when we</p>	<p style="text-align: right;">204</p> <p>1 processes that show up again and again and again. 2 So let's just talk about in-group bias, right? 3 There's a lot of research on in-group bias, and it 4 applies to, you can create artificial groups in the 5 lab and people will show some in-group favoritism. 6 They're not going to go out and be super hostile 7 toward this other made-up group, you know, right, 8 but they show some favoritism toward members of 9 their temporary, unimportant groups, right? 10 You know, you can do this when you pick up 11 teams for a game or something like that. You can 12 see some of this phenomenon happening. That can be 13 exacerbated by other factors, like if it's 14 explicitly a competition and so on. So -- so 15 there's a lot of general factors that we know about 16 and that we know that they occur, whether the group 17 is a temporary group in the lab, whether the group 18 is an actual set of groups that exist in the world, 19 and -- and so -- but those all differ. There's -- 20 there's still -- across these things, there's always 21 going to be some differences that don't necessarily 22 matter to the basic process, right? 23 We try to figure out what are the core 24 things that really matter to the extent that we can 25 in our research. And on those core things, we think</p>
<p style="text-align: right;">203</p> <p>1 think about this in social science, you know, we 2 think about general variables, right, like assertive 3 behavior, right? The form that behavior takes might 4 be different with different individuals, but there's 5 this sort of general category of certain kinds of 6 assertion or dominance, right? Powerful positions, 7 you know, that combined with powerful traditionally 8 male-dominated position, right? 9 You know, these sorts of things are more 10 general categories of things. And then you have, 11 you know, within that variations in different ways 12 of showing dominance or -- or different kinds of 13 male-dominated jobs. But we think in terms of these 14 more global kinds of variables. And that's where I 15 -- I tend -- I think I'm focusing. 16 Q. The studies that you mentioned in your 17 report, are they comparable to the facts of this 18 case in all material respects? 19 MR. BRISCHETTO: Objection, vague. Go 20 ahead. 21 THE DEPONENT: Yeah, in all material 22 respects, right? I mean, there's always going to be 23 variations in different situations, right? There's 24 always going to be specifics in the situation. But 25 underlying those specifics, there are some general</p>	<p style="text-align: right;">205</p> <p>1 about them in terms of these kinds of global 2 variables that -- that I talked about, like status 3 or dominate -- dominative behavior, those sorts of 4 things. 5 And -- and those have some 6 generalizability. Sure, there's -- there's going to 7 be -- you know. The -- the color of the room could 8 be different, but does that matter? Probably not, 9 right? There's always going to be some "material 10 differences" in some specifics, but we know that 11 there's some broad generalizability to these 12 findings. 13 BY MS. BRADFORD: 14 Q. Dr. Glick, earlier you've mentioned -- you 15 know, I think you've used different terms, but 16 you've mentioned that your testimony, you want -- 17 you know, you want to make sure that you're 18 following the right guardrails, that you're coloring 19 between the lines, things like that. Why are you 20 concerned about that? 21 A. Well, because I don't like being excluded. 22 I mean, I feel like that's -- you know, it -- it 23 doesn't feel good. Exclusion, right? Nobody likes 24 to be excluded. Humans have a basic need to belong 25 and like to be included.</p>

<p style="text-align: right;">206</p> <p>1 So, you know, I -- I don't want that to 2 happen. I -- I understand I'm an academic who's not 3 a lawyer. I'm doing something at the intersection 4 of what I do as a researcher and the law. And I'm - 5 - you know, in the -- the rules are defined by the 6 Court. So sure, I -- I'm trying to understand those 7 rules and to -- to adhere to them as best I can. It 8 -- it just becomes, as I said, a bit more difficult 9 when the -- the goalposts move, right? 10 So I think that's -- it's -- that's just 11 being -- I think that's just being responsible, 12 right? And understanding that there can be a 13 different set of standards, you know, because this 14 is in a legal context, and I understand the 15 authority structure and I understand that, 16 unfortunately, the -- the rules that I think have 17 been established may shift or -- or be different in 18 different jurisdictions, and -- and I'd rather not 19 be excluded. 20 I just feel like it's, you know, next time 21 I'm in a deposition, "Wasn't it true that you were 22 excluded in case X?" And like, "Well, yeah. That 23 happened, and here's why," right? But it doesn't 24 feel good when that happens. 25 Q. Dr. Glick, are you open to tailoring your</p>	<p style="text-align: right;">208</p> <p>1 then I'm willing to do that. But I very much point 2 out that that's a -- a different animal, right? 3 That it's not doing science in the same way it's 4 applying the science from the understanding of 5 having expertise in it. If the courts deem that 6 that's not something that should be done, then I'm - 7 - I'm quite willing to just stick to the general 8 framework. But my conclusions are based on the 9 science. 10 Q. Just so there's -- there's a clear answer 11 in this regard. I -- I understand what you're 12 saying about how you want to make sure you're 13 abiding by what the judge is saying and how it's 14 different for every judge. 15 Yes or no, are you willing to tell your 16 opinion to ensure that they will be -- excuse me -- 17 to ensure that they will not be excluded by a judge? 18 MR. BRISCHETTO: I'm going to object. 19 That question is argumentative. It has been asked - 20 - asked and answered, and he's perfectly entitled to 21 give a yes or no answer with an explanation, which 22 is what he's done. 23 Go ahead, Mr. Glick -- Dr. Glick. 24 THE DEPONENT: Well, the clearest answer I 25 can give you is I'm willing to no longer write</p>
<p style="text-align: right;">207</p> <p>1 opinions or your testimony to ensure that it's not 2 excluded? 3 A. Well, again -- but -- you know, small but 4 suspicious about this term "tailoring" my 5 conclusions, right? It's -- it's what I -- you 6 know, am I willing to not do an application to the 7 case section? 8 Generally, I'm arguing to lawyers, 9 especially in federal court, that it is best if I 10 simply talk about the social framework, the general 11 stuff, and let them make the arguments about 12 application to the case. Because, again, if the 13 rules are shifting, I don't want to have to deal 14 with this exclusion or restriction or to write this 15 whole section of a report that later is going to be, 16 you know, excised from -- from the case. 17 So -- you know, to the extent that the -- 18 I mean, "tailor my conclusions" sound like I'm just 19 willing to -- I -- I don't like that language. 20 Maybe you didn't mean it this way, but it almost 21 sounds like you're saying, "Oh, you're just, you 22 know, going to say what somebody wants you to say." 23 I try to accurately portray the science, 24 and then if -- if it's permissible in the legal 25 context that I can do an application to the case,</p>	<p style="text-align: right;">209</p> <p>1 applications of the case sections if the courts deem 2 that that's not what a social -- you know, a social 3 framework expert should do. So -- so I -- I'm -- 4 I'm open to having guardrails, applying the science 5 the same way that I always do, but not making -- you 6 know, not -- not opining -- not doing that section 7 of applications of the case if it's deemed 8 inappropriate. 9 BY MS. BRADFORD: 10 Q. Dr. Glick, on page 51 of your report, you 11 write that: Biased individuals typically justify 12 their actions by citing apparently legitimate 13 motives in an effort to deny that bias skewed their 14 judgment. 15 So you use the word "typically" here, and 16 much like some of my other questions before, can you 17 explain to me what "typically" means? 18 A. Right, so I -- I see where you're coming 19 from. It sounds like a frequency statement. What 20 I'm saying is when we do research where we can then 21 definitively demonstrate that there was bias 22 occurring across different conditions, right? 23 Do an experimental study that's completely 24 well controlled and shows that there is differential 25 treatment, and then also ask people why they made</p>

<p style="text-align: right;">210</p> <p>1 that decision. People, typically, in those studies, 2 right, that there's very -- people -- not -- like 3 nobody will say, "Oh, it was because of the person's 4 gender." They -- they provide other reasons. And 5 we find that discrimination is more likely to occur 6 when there are these other potential reasons, right? 7 I mean, that's the difference between old- 8 fashioned sexism and -- and contemporary sexism, or 9 sexism in a highly sexist patriarchal country versus 10 a more egalitarian country, you know, you can just 11 be discriminatory. And in old-fashioned sexism, you 12 could just say, "Oh, no, it's because she's a woman. 13 We don't allow women to do this job." 14 Well, that -- that's not how it typically 15 occurs in contemporary American society, where you 16 have this overt exclusion of women. It's -- well -- 17 you know, this has to do with her behavior, right? 18 And if there's some behavior to hang it on, then we 19 have that alternative explanation situation. But in 20 experiments, we can show whether gender made a 21 difference. 22 Q. So just to be clear, when you use the word 23 "typically" here, do you mean that this happens more 24 often than not? 25 A. What I'm saying is in the studies where we</p>	<p style="text-align: right;">212</p> <p>1 question. Nice try. What I'm saying is that the 2 research shows that in contemporary American 3 society, that when people engage in bias, they 4 typically do not admit that -- in those studies, 5 they typically do not admit that they're engaging in 6 bias. 7 So if somebody says, "Hey, I -- it's not 8 because she's a woman, that I dislike her, it's 9 because of her behavior." Well, you know, that -- 10 that could be, right? 11 Or it could be a combination of the two, 12 which is, you know, more likely than just -- as 13 we've talked about, discrimination against women 14 takes different forms and --depending upon the one's 15 behavior. If you're super nice and subordinate, 16 you're not going to get this kind of backlash 17 discrimination, right? 18 So -- but to go back to your question, 19 right? If they did discriminate, they're typically 20 not going to -- the study suggests they're not 21 likely to say that they discriminated against the 22 person. If they cite a reason about the person's 23 behavior, that probably was part of the issue. But 24 that can combine with discrimination, as well. 25 So I think I'm very clear about this. You</p>
<p style="text-align: right;">211</p> <p>1 can definitively show that discrimination occurred, 2 people deny that they discriminated. 3 Q. Do people deny that more often than not? 4 A. More often than not. And I would say, I 5 mean, I have to go back and look at the studies, but 6 I think the consensus in -- in social psychology 7 would be it would be very rare for someone to say, 8 "Yeah, that was about gender," okay? That -- that 9 just pretty much doesn't happen -- 10 Q. Okay. So -- 11 A. -- more -- more than more often than not. 12 It'd be very rare for somebody to openly admit that 13 they discriminated. 14 Q. Okay. So just to be clear, the studies 15 that you relied on, they state that more often than 16 not, people would deny that bias occurred? 17 MR. BRISCHETTO: Objection. That's 18 argumentative. And asked and answer. Go ahead. 19 THE DEPONENT: Yes, I think I agree with 20 what you said. 21 BY MS. BRADFORD: 22 Q. Do you think that the jury should distrust 23 any witness who claims they were not motivated by 24 bias? 25 A. Well, that sounds like a credibility</p>	<p style="text-align: right;">213</p> <p>1 can have these mixed motives, and it's -- for 2 backlash discrimination, it's both the woman's 3 behavior and the fact that she's a woman that 4 interact to lead to discrimination when it occurs. 5 When that discrimination occurs, it's likely to be 6 denied. So, you know, you have to look at the other 7 evidence to pick it apart. 8 Just like you were saying, can you rely on 9 Dr. Bala, and say, "I -- I was discriminated 10 against?" Okay. Here's \$2 million because you were 11 discriminated against. You know, that -- that 12 doesn't happen, right? We understand that -- that 13 you're fired, you're upset, and you don't feel it 14 was your fault. That that's -- you know, right? 15 It's pretty common. 16 You know, similarly, if somebody 17 potentially discriminated, they're not going to be 18 like, "Hey, I didn't because she's a woman," you 19 know, right? So you have to look at the other facts 20 as best you can to see, well, what really happened? 21 And then what did people read out of that or 22 interpret from that? Is that consistent with the 23 research or not consistent with the research? Those 24 are the sort of things I think people in the jury 25 have to do -- should do. They don't have to do</p>

<p style="text-align: right;">214</p> <p>1 anything I say. But that I recommend that they do. 2 How's that? 3 Q. Dr. Glick, on page 55, you note that: 4 Although people may view some assertive behaviors as 5 dislikable and performed by a man, their reactions 6 tend to be comparatively more muted than reactions 7 to a woman who acts the same way. I think you can 8 probably anticipate my question here. What do you 9 mean by "tend"? 10 A. It's the same answer. So, you know, based 11 on the research you're talking about, average 12 differences, there is a double standard that 13 emerges, right? And -- and that -- that occurs for 14 female as well as male perceivers, typically, right? 15 And so that's what I mean by that. 16 Q. Do you mean that it happens more often 17 than not? 18 A. Well, the -- in the studies, the average 19 difference happens, right? But, you know, I -- we 20 can't, again, isolate who particularly 21 discriminated. So if you mean by more often than 22 not, if you mean, you know, most individuals, right, 23 what do you mean by more often than not? Do you 24 mean that every individual is doing this or the vast 25 majority of individuals are doing this? I can't --</p>	<p style="text-align: right;">216</p> <p>1 is I think the D score is -- is in the strong 2 category. I can't whip out the numbers here 3 spontaneously. Not, again, an encyclopedia on -- 4 like with a photographic memory. But, you know, 5 there is -- there is a difference. And, of course, 6 when you're talking about evaluating somebody on the 7 job, you know, any difference can be of practical 8 consequence. 9 MS. BRADFORD: Is everybody good if we 10 take like maybe an -- an eight-minute break, come 11 back at -- on the -- 12 MR. BRISCHETTO: Okay. 13 THE DEPONENT: Yes. 14 THE VIDEOGRAPHER: Okay. The time is 3:42 15 p.m., And we are off the record. 16 (WHEREUPON, a recess was taken.) 17 THE VIDEOGRAPHER: We are on the record. 18 The time is 3:56 p.m. You may now proceed. 19 MS. BRADFORD: Thank you. 20 BY MS. BRADFORD: 21 Q. So, Dr. Glick, your last bullet point on 22 page 54 refers to incidents being minor. What 23 incidents are you referring to here? 24 MR. BRISCHETTO: Counsel, is this 54? 25 MS. BRADFORD: Yes. Of his report.</p>
<p style="text-align: right;">215</p> <p>1 I can't tell you that, right? I don't think the 2 studies tell you that. But they tell you that -- 3 that it's an occurrence that happens in the 4 aggregate, that women are -- are -- are broadly 5 treated differently than men on this. 6 Q. I think you said that the studies talk 7 about the -- the average difference with which it 8 occurs; is that fair? 9 A. Right. 10 Q. So what is the average difference in those 11 studies that apply here? 12 A. Well, in the studies that specifically are 13 designed to test backlash, the average differences 14 tend to be quite strong in terms of the perceptions 15 of women, and they're also targeted on these things, 16 like she's rude, abrasive, dislikable, those sorts 17 of things. That's the form it takes, not in terms 18 of demeaning her competence, for instance, right? 19 So that's another part of understanding this 20 pattern. 21 Q. So I don't think that answered my 22 question. So which -- in the studies that you're 23 referring to here, what was the average difference? 24 A. Well, if you look at Laurie Rudman's 25 review of backlash research, the average difference</p>	<p style="text-align: right;">217</p> <p>1 THE DEPONENT: Can you just -- I'm -- I'm 2 not sure if I'm not seeing what you're -- 3 MS. BRADFORD: Yeah. 4 THE DEPONENT: -- talking about. "Or -- 5 MR. BRISCHETTO: I'm not seeing -- 6 THE DEPONENT: "-- or over-weight." Yeah. 7 That's a question, right? Were -- were minor 8 incidents overweighted? That's -- that's a 9 question, right? Or were the -- you know. So the 10 alternative is that they weren't minor. 11 BY MS. BRADFORD: 12 Q. So do you have an opinion on whether any 13 incidents in this case involving Dr. Bala were minor 14 or not? 15 A. No. I'm offering -- I'm just -- what I'm 16 doing there is I'm -- I'm saying, you know, this is 17 a question to ask. 18 Q. On page 57, you state that: Some research 19 even suggests that female subordinates can be more 20 likely than men to reject a female leader's 21 legitimacy. Which research suggests this? 22 A. I can't -- you know, off the top of my 23 head -- I mean, I have a study, I think, that I 24 cited earlier in the report, and that's why I don't 25 cite it again. But I'd have to go back and comb</p>

<p style="text-align: right;">218</p> <p>1 through the earlier sections. If you want me to do 2 that, I can try to figure out which specific study 3 that was, but there's -- at least there was a study 4 that I cited. 5 Most of the studies find similar levels of 6 backlash between men and women. But, you know, when 7 it's in a context where you're comparing yourself to 8 a more successful person, there's a finding of 9 greater backlash toward female leaders by women. 10 Q. So I know you said that you -- you can't 11 remember the exact study off the top of your head, 12 but so when you say that they can be more likely 13 than men to do this, how much more likely? 14 A. Well, the point there -- and again, I 15 can't give you a direct answer to that. The point 16 is simply that, you know, Dr. Kaul said, "Well, 17 women can't discriminate against women. Nurse -- 18 the nurses are women; they can't -- they wouldn't be 19 likely to discriminate against women." And that's 20 not true for this kind of discrimination. Most of 21 the findings are more that it's relatively equal 22 between men and women in terms of discriminating 23 toward assertive women and sometimes even a finding 24 of women showing more discrimination. 25 Q. Do you agree that "more likely" means at</p>	<p style="text-align: right;">220</p> <p>1 was more -- something like, for instance, in this 2 case, saying there was more likely than not that -- 3 it was more likely than not that discrimination 4 occurred, then, yes. Then in that case, it would be 5 50 percent -- more than 50 percent or 50 -- yeah, 6 more than 50 percent. 7 But when I'm talking about experimental 8 studies and I'm making a specific comparison, I'm 9 saying the means were different. 10 BY MS. BRADFORD: 11 Q. So, Dr. Glick, I'm just trying to figure 12 out what exactly you mean when you use words like 13 "more likely" or "tend" or "typically" or 14 "generally." 15 Would you agree that if there is a 16 difference between -- for example, saying that 17 female subordinates can be 51 percent more likely 18 than men to reject a female leader's legitimacy, 19 there's a difference between saying that and female 20 subordinates can be 85 percent more likely than men 21 to reject a female leader's legitimacy? 22 A. Right. And as we've discussed, I can't 23 necessarily pin down those numbers in an experiment 24 that shows there was -- there were -- women, on 25 average, made lower ratings or -- or made more --</p>
<p style="text-align: right;">219</p> <p>1 least just over 50 percent? 2 A. More likely than men, that's the 3 comparison. So I think if you read it -- I hope 4 it's clear. But my comparison is always in this 5 kind of experimental set study where I'm talking 6 about, you know, comparing female to male perceivers 7 in this case. 8 Q. So -- and -- and thank you for pointing 9 that out. I -- let me rephrase that. It -- it 10 means that they are at least 50 percent more likely 11 than men to do this? 12 A. It means that there's a mean difference, 13 right? Again, we can't -- I can't tell you who is 14 doing this within that mean difference, right? So I 15 can't pin a number on that, but it's -- it's a mean 16 difference, the mean difference between women and 17 men on having negative reaction to an assertive 18 woman. 19 Q. So walking away from this specific 20 statement, Dr. Glick, to you, does -- does "more 21 likely than not" mean greater than 50 percent? 22 MR. BRISCHETTO: I'm going to object to 23 the form. Assume this fact is not in evidence. Go 24 ahead. 25 THE DEPONENT: So do you mean saying there</p>	<p style="text-align: right;">221</p> <p>1 had -- had more discriminatory ratings toward women 2 than men did, right? That's what that "more likely" 3 there means in that context. 4 So if you want me to -- if you want me to 5 rephrase the -- the statement, it would be that 6 women's average rating of an assertive women -- 7 woman was more negative than the average for men. 8 Now, that's a lot to say, right? So I guess I'm 9 using the "more likely" in that comparison as that - 10 - a way to more concisely convey that comparison. 11 But I'm sorry if there's any ambiguity in that. 12 Q. Would you agree that when you say that 13 something typically occurs or that it generally 14 occurs, that a layperson such as a juror could hear 15 that and think, "Well, it occurs a lot," right? 16 MR. BRISCHETTO: Objection. Calls for 17 speculation. Go ahead. 18 THE DEPONENT: Well, what I'm saying is 19 within -- within the -- the -- the research, it's a 20 -- it's a finding that typically occurs, right? So 21 it's within the research, this typically occurs. 22 I'm not making the claim that I can put a -- a 23 specific number on how often it occurs in the 24 workplace. 25 BY MS. BRADFORD:</p>

<p style="text-align: right;">222</p> <p>1 Q. Does -- the research that you cite to, 2 does it say -- does it commonly use words like 3 "typically" or "generally" or "tend to"? 4 A. I would imagine, yeah. I mean, I -- I -- 5 I don't know. I'd have to think about that. But I 6 think when I'm writing a scientific paper and we 7 understand the -- the context that we say things 8 like "more likely," that's -- that's pretty common. 9 Q. And then when you say those things like 10 "more likely," do you support it with a specific 11 figure? 12 A. Oh, sure. I mean, there's -- there's 13 specific, you know, data that's being reported in 14 the scientific studies, right? This is a summary, 15 so I'm not throwing a bunch of numbers at people 16 typically. 17 Q. Why is it important to point out that 18 specific data in the study rather than just say 19 "typically"? 20 A. Well, because this -- this is a different 21 context. When you're writing the primary research 22 report, you're writing to an audience of Ph.D. 23 researchers and you're showing them the data. And - 24 - and these days, usually, the data are also fully 25 available to them to have transparency in a set of</p>	<p style="text-align: right;">224</p> <p>1 mean, you -- you are reporting the numbers, and 2 these days you're typically also even reporting the 3 raw data. So if somebody else wants to check on 4 your numbers and crunch your numbers, they can do 5 that in the studies. So that -- that's often done 6 these days, but not for a lot of higher studies. 7 Q. Don't you think it's important to be 8 transparent about that information and those 9 statements for a jury? 10 A. Again, I think I have to convey this in a 11 way that jurors can comprehend and understand 12 without doing violence and to the -- you know, to 13 the -- and to summarize the results of cross 14 studies. So, you know, when we're talking about the 15 report of a specific study, we're talking about the 16 primary research article. Then, you know, you're 17 giving all sorts of details that you're not going to 18 give, say, in a -- a review article that you might 19 write. Even for a professional audience, you're 20 typically not going to put all these numbers in a -- 21 a review article. You're going to summarize the 22 weight of the evidence and the findings. So it's 23 just different contexts. You do different things. 24 Q. Dr. Glick, I know you've been through this 25 a lot. You've -- you've testified in trials,</p>
<p style="text-align: right;">223</p> <p>1 supplementary materials that are posted online. 2 So, you know, we're -- we're focused on 3 people who can understand and interpret the numbers, 4 understand statistical significance, all those sorts 5 of things. If you're writing a summary of those 6 results, like, say in the textbook I wrote with 7 Laurie Rudman that conveys, you know, the -- the 8 findings, then you don't do that because it's -- 9 it's not something people are really prepared 10 necessarily to -- to understand or read. Even 11 simple graphs, people are often not able to read 12 them correctly according to the research. 13 So it's -- it's really just a different 14 context in terms of summarizing the research. Or 15 for instance, in the discussion section, you 16 summarize what you found and -- and you typically do 17 not report the numbers there. Those are in the 18 results section. 19 Q. But you -- so you agree that when you're 20 writing studies, for example, that it is important 21 to be transparent about the findings that you're 22 reporting and the terminology relating to those 23 findings? 24 A. Not sure what you mean about the 25 terminology related to those findings, but yeah, I</p>	<p style="text-align: right;">225</p> <p>1 correct, right? 2 A. Yes. 3 Q. So you know that in trials you don't just 4 take the stand and talk to the jury. Your -- you 5 answer questions asked by counsel, correct? 6 A. Correct. 7 Q. It's important to have answers as much as 8 you can to those questions, correct? 9 A. Yeah. You have to give answers. Yes. 10 Q. So -- so let's try this again. So let's 11 go to page 58. You write that "research established 12 that women typically receive backlash and hostility 13 for" and then it looks like you give five examples 14 or -- or five types of behavior. So I'm asking you, 15 what do you mean by "typically"? 16 A. That these are the circumstances under 17 which backlash affects mean differences in how a 18 woman or a man who behaves in the same fashion 19 occur. 20 Q. How often do these circumstances occur? 21 A. Again, I can't give you a frequency in 22 daily life of how often these things occur, because 23 it's just not the way that the research is -- is 24 done. I mean, I could just remove the word 25 "typically" here, and then we just say, "Research</p>

<p style="text-align: right;">226</p> <p>1 establishes that women receive backlash." But I 2 don't want to imply that it always occurs. So I'm 3 actually using "typically" there to kind of signal 4 that this is not an absolute. 5 Q. So what does the research say, how often 6 -- 7 A. The research -- 8 Q. -- according to the research, does it 9 occur? 10 A. Again, the research doesn't test frequency 11 of occurrence. It tests -- you will have studies, 12 right, and there's many of these studies, and they 13 show that under these circumstances, women are seen, 14 say, as more abrasive than men. And these are the - 15 - the variables that are associated with unleashing 16 backlash. And that's the typical finding. 17 I mean, again, if I didn't put 18 "typically," there would just say, "This is when 19 women get backlash." And I think it would sound 20 kind of absolute, like, you know, it's inevitable. 21 Well, it's not inevitable in every circumstance that 22 that occurs. 23 Q. Dr. Glick, would you agree with me that 24 words like "typically," "tend," "generally," "more 25 likely," that's terminology related to the frequency</p>	<p style="text-align: right;">228</p> <p>1 Rather than just use these -- these terms, why don't 2 you just say what exactly the research shows on this 3 point? 4 A. I think I am saying what the research 5 shows. Typically, the finding is this. 6 Q. So does the research show -- let me 7 rephrase that. Which study says that women 8 typically receive backlash and hostility for these 9 five factors? 10 A. Well, again, there's lots of backlash 11 studies. So I'm -- what I'm summarizing is, across 12 all these backlash studies, the typical finding -- 13 maybe we can rephrase it that way, maybe that -- 14 that would be more conducive to you. The typical 15 finding across these studies, these are the 16 circumstances under which backlash tends to occur. 17 Q. Okay. So the typical finding among those 18 studies, how many of those studies is that the 19 finding? 20 A. I can't give you an exact count. That's 21 the weight of the evidence across studies. 22 Q. Why don't you -- I understand that you 23 have a section of your report where you -- you lay 24 out the research, and then you have the section 25 where you provide these statements, you, you know,</p>
<p style="text-align: right;">227</p> <p>1 with which something occurs? 2 A. Not in the way that you're talking about 3 it necessarily. Not in the context of when I'm 4 talking about experimental studies and differences 5 between means and -- you know, right? You're -- 6 you're -- you're -- the -- saying, this is -- I'm 7 making claims about frequency in daily life, and I'm 8 trying to make these claims within the context of 9 the research. 10 And I think that those words, that I put 11 those words in there to convey that this is not an 12 absolute because it would be prejudicing the jury if 13 I just said, "Hey, when a woman does this, they get 14 backlash." Well, that's the typical finding, but 15 it's not everybody. It's not -- it's mean 16 differences. I try to make that clear in the 17 report. So -- so I think by using these words, I'm 18 actually softening what I'm saying here to indicate 19 that this is not an absolute. 20 Q. So, Dr. Glick, it sounds like you've -- 21 you've talked -- you've testified a couple of times 22 that you've tried to phrase it in a certain way so 23 that it can't be interpreted as an absolute or that 24 you're -- you're trying, essentially, not to 25 overstate what it means, something like that.</p>	<p style="text-align: right;">229</p> <p>1 apply them to the case facts. Why don't you cite 2 back to that research as you make those statements? 3 A. Because I've already cited it in the other 4 section. So you have a section that has exactly the 5 same set of variables. We could go back to it, and 6 there's research cited in that section. So I felt 7 that, you know, it would just be redundant to -- to 8 just repeat the same citations, because there's 9 clearly a corresponding section in the scientific 10 section of the report. 11 Q. So do you think that the case decision- 12 makers in this case should just assume that there is 13 certain research that applies to these statements 14 that you're making? How are they supposed to know 15 which research applies? 16 A. Again, I have a -- a parallel section 17 early in the report that provides citations. I'm 18 just tagging back to that and giving you a reminder 19 here. But my main focus here is on what does this 20 mean in this particular case, potentially? So I 21 feel like I've already covered in my report. I'm 22 just kind of reminding people, summarizing what I've 23 already said, and I have the citations in there, so 24 I don't see that as a big problem. 25 Q. On page 60 of your report, you say that:</p>

<p style="text-align: right;">230</p> <p>1 Research shows that people view women, as compared 2 to men, as more emotional and show less tolerance 3 for perceived expressions of anger in women as 4 compared to men. Which research shows this? 5 A. Again, I have a section on the 6 emotionality stereotype earlier in the report with 7 citations. And we can flip back there, trying to 8 remember if I did a really detailed table of 9 contents here. I didn't do a super detailed table 10 of contents. But if we flip back in the report, 11 there's a section on stereotypes and -- and the 12 content of those stereotypes on page 22. "People 13 stereotype women as more emotional." Right there, 14 and there's citations to research there. So again, 15 I felt like I'd already covered it, I'd already 16 documented it, and I'm just reminding, you know, 17 right? It's -- it would be redundant to reproduce 18 the specific citations there. 19 Q. And so the studies that you cite to on 20 page 22, do all of those studies discuss that people 21 view women, as compared to men, as more emotional 22 and show less tolerance for perceived expressions of 23 anger in women as compared to men? 24 A. Some show one thing and some show the 25 other thing? Yes. I mean, where -- where -- where</p>	<p style="text-align: right;">232</p> <p>1 kind of remind readers that this is not an absolute 2 thing. And then, of course, at the end of the 3 report, I say, "Look, you know, in any individual 4 case, we can't know what's the scientific certainty, 5 what happened." But this framework can help people 6 sort through what -- what might have happened. 7 MS. BRADFORD: Can I just take a brief 8 two-minute break, please? 9 THE DEPONENT: Sure. 10 THE VIDEOGRAPHER: Please stand -- stand 11 by. The time is 4:18 p.m. And we are off the 12 record. 13 (WHEREUPON, a recess was taken.) 14 THE VIDEOGRAPHER: We are on the record. 15 The time is 4:23 p.m. You may now proceed. 16 BY MS. BRADFORD: 17 Q. So, Dr. Glick, when we took that break, I 18 had been asking you about how on page 60, you noted 19 that: Research shows that people view women, as 20 compared to men, as more emotional and show less 21 tolerance for perceived expressions of anger in 22 women as compared to men. And you referred to how 23 that relates back to the studies on page 22. 24 According to those studies, how many people view 25 women as compared to men as more emotional?</p>
<p style="text-align: right;">231</p> <p>1 the citations appear is where it's the relevant 2 point. 3 Q. What do you mean some show one thing and 4 some show -- 5 A. So "people stereotype women as more 6 emotional." I've got -- what -- 48, the Shields 7 citation. That's actually a book that summarizes a 8 lot of different research for the -- the issue about 9 how people perceive anger in women. I've got the 10 citation to Brescoll and Uhlmann, right? That 11 emotionality seems inconsistent with status. That's 12 a different citation, right? So -- I mean, I -- I 13 put the footnotes next to statements, so those are - 14 - those are the relevant citations for those 15 statements. 16 Q. Does this research show that all people 17 have these views? 18 A. Well, again, I think I make it clear 19 generally in the report that we're not talking about 20 absolutes, that we are talking about average 21 effects. And I -- you know, that that's -- that's 22 the general context that I provide in the report. 23 And I try to use, again, words like "tend to," often 24 kind of reinstating those words. I don't always do 25 that, but I -- I try to do that frequently to try to</p>	<p style="text-align: right;">233</p> <p>1 A. Again, I cannot give you an exact number 2 from those studies. You know, I mean, it's possible 3 that there might be in some of the studies on 4 stereotyping where it's just sort of rating 5 emotionality of men and women that you could get 6 that -- those data, but that's not normally how the 7 data are reported. So I -- I -- typically, you 8 don't have a full distribution so that you could 9 figure that out exactly. But rather sort of the 10 average rating of women's emotionality differs from 11 the average rating of men's emotionality. 12 Q. Can you tell me if the data says that 13 there's a statistically significant difference? 14 A. Yes, it does. 15 Q. It says that in all of those reports on 16 page 20 -- sorry -- all those studies on page 20? 17 A. I mean, that I don't think I would have 18 included them, and my practice would be, I wouldn't 19 have included them in my report if they didn't show 20 a statistically significant difference on this. 21 Q. Isn't it correct, though, that we've been 22 through some studies earlier today where we pointed 23 out that there were, in some instances, not a 24 statistical difference, and I think you explained 25 that sometimes you will still rely on the study even</p>

<p style="text-align: right;">234</p> <p>1 when there is no statical -- statistically 2 significant difference, correct? 3 A. I -- in those cases, I did not talk about 4 the nonsignificant effects. I think was the point 5 that you were trying to make. I was talking about 6 some effects that were statistically significant. 7 So I mean, I think that doesn't make much sense to 8 me, but yeah. All right. I wasn't citing null 9 effects as if they were differences. 10 Q. Earlier, I had asked you about how biased 11 individuals typically justify their actions by 12 citing apparently legitimate motives in an effort to 13 deny bias. And I asked you about the word 14 "typically." 15 In the studies that you referred to there, 16 what was the average number of participants who 17 engaged in discriminatory behavior across those 18 studies? 19 A. Again, it's not reported in terms of the 20 average number of people who discriminated because, 21 typically, in those studies -- sorry for using that 22 word. But in those studies, the usual way of doing 23 things is that -- I'm sorry. What was the -- the 24 study about you were asking about? Sorry, I lost 25 the thread.</p>	<p style="text-align: right;">236</p> <p>1 in the aggregate that it did. That's the point. 2 But I cannot give you a frequency of what percent of 3 people discriminated in those studies. 4 Q. Can you tell me if those studies reported 5 a statistically significant difference? 6 A. Again, I wouldn't have cited them if they 7 didn't show that. 8 Q. Okay. So is it -- 9 A. And, again -- 10 Q. -- your testimony -- is it your testimony 11 that every study that you relied on in your report 12 reported a statistically significant difference that 13 supports the opinions that you give? 14 MR. BRISCHETTO: Objection, vague, 15 ambiguous. Go ahead. 16 THE DEPONENT: That's a really global 17 thing, so I can't tell you -- I don't -- I don't 18 know if there would be an exception anywhere, and I 19 have to think about that. But my typical practice, 20 practice that I would have is I would be including 21 studies where I'm saying this effect occurred. That 22 would be a statistically significant effect. 23 BY MS. BRADFORD: 24 Q. A problem that exists when we're talking 25 about the words, for example, "typically," or if</p>
<p style="text-align: right;">235</p> <p>1 Q. That biased individuals typically justify 2 -- 3 A. Oh, right. 4 Q. -- their actions. 5 A. All right. So you're showing bias in a 6 between-participants experiment. People are 7 randomly assigned to different conditions. So let's 8 say it's a backlash study and you're seeing an 9 assertive female target and a similarly assertive 10 male target while you're randomly assigned to one 11 condition or the other. So we can't say which 12 specific individuals discriminated. 13 So we can find that there's an average 14 difference, that gender did make a difference 15 because everything else was well controlled for and 16 people were randomly assigned to these conditions. 17 And we find an average difference in the evaluation 18 of the woman versus the man, right? That can only 19 be accounted for by the one thing that was 20 different, gender. 21 And then we can ask people, "Did your 22 evaluation have anything to do with gender?" People 23 typically say no in those studies. People in those 24 studies will almost invariably say, "No, gender 25 didn't matter at all in my evaluation," but we know</p>	<p style="text-align: right;">237</p> <p>1 we're talking about frequency within studies, is 2 that I think, as you pointed out, we oftentimes 3 don't know how many people actually reported 4 exhibiting backlash in a study, right? 5 MR. BRISCHETTO: Objection, vague. Go 6 ahead. 7 THE DEPONENT: I -- I think that's right. 8 I mean, again, we can't -- we can say that on 9 average backlash occurred, but we can't pinpoint who 10 exactly engaged in the backlash. And I think in -- 11 in any specific case, the issue is whether -- 12 whether, you know, a specific individual engaged in 13 backlash. It's -- you know, the -- the frequency 14 estimate here does not tell you whether or not 15 somebody in a specific real-life situation committed 16 backlash. 17 BY MS. BRADFORD: 18 Q. We don't know -- we don't know -- when 19 we're looking, for example, at a statistical -- at a 20 D score, for example, we don't know how many 21 participants actually swung that score a certain 22 way, right? It could have been a small sample size 23 and therefore just two people affected it, or it 24 could have been a huge sample size and a lot of 25 people swung the score a certain way, right?</p>

<p style="text-align: right;">238</p> <p>1 MR. BRISCHETTO: Objection, vague. Go 2 ahead. 3 THE DEPONENT: Yeah. So part of what we 4 do in these studies is that you try to have enough 5 people in these different conditions that one or two 6 outliers is not going to determine that effect 7 because you're averaging over a lot of people. So 8 that's part of the reason why you use bigger sample 9 sizes in the research to get rid of that -- that 10 sort of random outlier. 11 Another common practice is if you see 12 somebody who is an extreme outlier, you'll often see 13 in research reports, I mean, you don't want to be 14 excluding outliers left and right, you know, to 15 where you're really reducing your sample size and -- 16 and gaming -- seemingly gaming the system. But, you 17 know, for extreme outliers, people will screen them 18 out of the data and then report that because you 19 don't want those one or two or three outliers to be 20 having an outsized influence on the effects. But 21 again, with larger sample sizes, it's not going to 22 be swung by one or two people. 23 BY MS. BRADFORD: 24 Q. Why don't you just say that the research 25 shows that there are statistically significant</p>	<p style="text-align: right;">240</p> <p>1 know, it is kind of a specialized term, and, you 2 know, I think that -- that, too, can be interpreted 3 differently by different people on a jury who don't 4 understand the statistics. 5 Q. Do you think that a jury could 6 misunderstand what you mean by the words "tend" or 7 "generally" or "typically"? 8 MR. BRISCHETTO: Objection, calls for 9 speculation, asked and answered multiple times over. 10 Go ahead. 11 THE DEPONENT: I mean, it's certainly -- 12 it's certainly possible, and the, you know, you're 13 here to help clarify it. And I'm trying to respond 14 as clearly as I possibly can. Again, I -- I tend -- 15 I put those words in there in part to signal that 16 these are not absolutes and -- and not overstate the 17 findings in that way, not imply a whole -- you know, 18 imply an absolute that would then lead people, 19 mislead people into thinking this always occurs. 20 BY MS. BRADFORD: 21 Q. On page 65 of your report, you note that: 22 There was a consistent pattern of exaggeratedly 23 negative interpretations of Dr. Bala's tone and 24 intent. What do you mean by this? 25 A. Where on that -- where on that page are</p>
<p style="text-align: right;">239</p> <p>1 differences in, you know, for example, people who 2 view assertive behaviors as dislikable, performed by 3 a man versus as performed by a woman. 4 A. That would be another way to say it. 5 Q. Wouldn't that be a more accurate way to 6 say it? 7 A. I think -- you know, again, I'm trying to 8 write this for a general audience, be true to the 9 research, and be in a way that is going to engage 10 people, and that people don't totally understand the 11 term statistical significance. So I try to keep it 12 away from the sort of more jargony kind of language 13 and try to explain it in a way that's true to the 14 research, but at the same time, you know, is 15 engaging and -- and understandable. 16 Q. You said that a lot of people don't 17 understand what the term "statistically significant 18 difference" is. You would agree that you would be 19 there as an expert to -- to educate the jury on 20 that, right? 21 A. Yeah. I mean, I could do a little mini- 22 course on statistics, but I spend quite a few hours 23 on this concept in -- in my research methods class, 24 and even so, a lot of students are not completely 25 understanding the nuances of that term. So, you</p>	<p style="text-align: right;">241</p> <p>1 you? 2 Q. It is the -- 3 A. Oh, I see. 4 Q. -- paragraph. It's a -- 5 A. Right. Okay. So I'm referring especially 6 to these HR investigations, right? And I think that 7 if you look closely at the HR investigations, you 8 have Dr. Henrikson's characterization of what 9 happened based on talking to people who were there. 10 And I think in both of those HR investigations or 11 incidents where he was not in the room, so he's 12 relaying what people said. 13 And then you have Ms. Strahm's 14 investigation into this, where she went directly and 15 interviewed the people who were there. And you see 16 this disparity, right? I mean, I think it's -- it's 17 just simply -- you know, I don't -- I don't have the 18 scientific method here, right? This is simply an 19 obvious disparity in the characterization that -- 20 that, you know, Dr. Henrikson conveys the most 21 negative comments. 22 He -- you know -- so -- I'm going to have 23 to go back and -- and -- and look at this to be -- 24 make sure it'll be accurate. But if we look at 25 those -- those incidents, and I'd be happy to do</p>

<p style="text-align: right;">242</p> <p>1 that, look at those incidents in detail, there's 2 kind of a disparity between how Dr. Henrikson 3 characterizes what he heard from the people who were 4 there, and then with the formal investigation, that 5 was documented by notes, what people actually say. 6 Q. How do you define disparity? 7 A. Difference. I mean, if -- I mean, I think 8 we should look -- I -- I would say if you want to 9 see what I'm talking about, we need to go directly 10 to, you know, picking apart those -- those incidents 11 and go to pages, you know, bottom of 65. I -- you 12 know, I've got, like, two and a half, three pages on 13 -- more. I have like -- what? One, two, three, 14 four. Four pages going in detail on the Sue Bardon 15 incident and the subsequent investigation and the 16 difference between how Dr. Henrikson portrayed it 17 and -- and what actually -- what other -- what 18 people who were in the room said happened, right? 19 And then the Matt Holling incident, I've 20 got one, two, three, about another four pages with a 21 similar sort of thing where there was an HR 22 investigation. And so that -- that's where I'm 23 talking about this pattern. 24 Q. So, Dr. Glick, are you getting your 25 opinion on how Dr. Henrikson interpreted or</p>	<p style="text-align: right;">244</p> <p>1 presumed tone and intent. He was not in the room 2 and does not accurately reflect what the 3 eyewitnesses subsequently told Ms. Strahm, the HR 4 person who investigated. So there's a difference or 5 disparity there, and the disparity is in the 6 direction of what would be consistent with 7 discrimination. 8 Is it possible there were some other 9 reasons why Dr. Henrikson -- you know, maybe he 10 misunderstood? Maybe. I don't know, right? I 11 mean, that's your job to figure that out, that there 12 might be some other possibilities there. But 13 there's definitely, I think, if you look at it, any 14 reasonable person looking at it would say, yeah, and 15 -- and look at Ms. Strahm's conclusions, right, 16 versus Dr. Henrikson's characterization. 17 Dr. Henrikson's characterization is 18 overtly, "She behaved rudely, unprofessionally, she 19 made everybody cower," and so on, right. And Ms. 20 Strahm formally investigates, interviews the people 21 who were in the room, and concludes, "No, that's not 22 the case." And, in fact, in the second incident, 23 Matt Holling, his behavior is consistent with 24 disrespecting the surgeon in charge of the operation 25 Dr. Bala.</p>
<p style="text-align: right;">243</p> <p>1 presented something as compared to other people? 2 A. I mean, this is just -- just read -- read 3 what people said and what Dr. Henrikson said they -- 4 they said. And you see, in cases where people 5 where, you know, not -- where saying that Dr. Bala 6 behaved appropriately, that Dr. Henrikson is only 7 conveying the negative comments by one or two people 8 and -- and not conveying the positive comments, and 9 that, also, the negative comments become inferences 10 about intent or other things that are not really 11 focused on what actually happened. 12 In both of those incidents, the HR person 13 found no evidence that Dr. Bala behaved 14 inappropriately after conducting a formal 15 investigation, right? And -- and yet, there's this 16 characterization by Dr. Henrikson that she did 17 behave inappropriately. I think this is not -- this 18 is very evident that that happened. Now, why did 19 that happen? That's for the jury to decide. 20 Q. Is it your opinion that Dr. Henrikson had 21 exaggerated the negative interpretations of Dr. 22 Bala's tone and intent? 23 A. I think that compared to what the 24 eyewitnesses to these incidents said, Dr. 25 Henrikson's characterization was more negative and</p>	<p style="text-align: right;">245</p> <p>1 Q. So, Dr. Glick, it sounds like -- I think 2 you just gave the example there of compare Ms. 3 Strahm's conclusion, I think, you versus Dr. 4 Henrikson's interpretations, things like that. 5 A. Right. 6 Q. So are you essentially weighing what Dr. 7 Henrikson said or reported as compared to what 8 others did? 9 A. What I'm saying is that if you look at 10 this, you see a difference. Why that difference 11 occurred? It's consistent with the possibility of 12 discrimination and would be consistent with the 13 pattern we would expect of, you know, how someone 14 might do that, might -- might characterize an 15 assertive woman in a discriminatory way. Is that 16 ultimately what it reflects? That's up for the jury 17 to decide. 18 But I'm saying the -- the difference is 19 evident in the record, and it's -- you know, it's 20 clear. Why -- why was there the investigation? 21 Because Dr. Henrikson said she behaved 22 unprofessionally. Linda Strahm conducted a formal 23 investigation. She systematically interviewed and 24 kept notes. Now -- now, maybe there's -- who knows 25 what's going on here, but it is definitely very</p>

<p style="text-align: right;">246</p> <p>1 consistent that there's clearly a disparity, right?</p> <p>2 I think that's -- that's pretty much</p> <p>3 indisputable. Otherwise, there wouldn't have been</p> <p>4 an investigation in the first place and then a</p> <p>5 conclusion that there was no inappropriate behavior.</p> <p>6 Q. So, Dr. Glick, I think you just said there</p> <p>7 that there -- there are differences in these</p> <p>8 accounts that are evident in the record, and I --</p> <p>9 you also said that there's clearly a disparity.</p> <p>10 What training have you received to</p> <p>11 determine -- to determine how to weigh certain</p> <p>12 witnesses' accounts against other witnesses'</p> <p>13 accounts?</p> <p>14 MR. BRISCHETTO: Objection. Assumes a</p> <p>15 fact not in evidence. Go ahead.</p> <p>16 THE DEPONENT: This is not about weighing</p> <p>17 different accounts. I'm saying that if you look at</p> <p>18 this, the characterizations are different, right?</p> <p>19 And Dr. Henrikson's characterization, the person who</p> <p>20 wasn't in the room, is consistent with the direction</p> <p>21 that one would expect from research on</p> <p>22 discrimination toward an assertive, high-status</p> <p>23 woman.</p> <p>24 All right. I'm not concluding ultimately</p> <p>25 if that's the reason for it, but I'm saying that,</p>	<p style="text-align: right;">248</p> <p>1 that is not the same. And I think that -- you know,</p> <p>2 look, if a juror disagrees with me, they can say I'm</p> <p>3 full of it and -- and disagree with me.</p> <p>4 But if you just look at that, I think it's</p> <p>5 obvious that when -- then you look at some of the</p> <p>6 witnesses to the event and ones that Dr. Henrikson</p> <p>7 is saying he's getting these -- these views from,</p> <p>8 right, it's not the same, all right?</p> <p>9 You know, witnesses in the Matt Holling</p> <p>10 incident, for instance, said that Dr. Bala was</p> <p>11 perfectly appropriate. She was asking for quiet</p> <p>12 during a difficult part of the operation, and Matt</p> <p>13 Holling interrupted her, disputed, or -- or said,</p> <p>14 "Well, I don't see why we have to be quiet." Look,</p> <p>15 I -- I think this is pretty obvious. And then, you</p> <p>16 know, Henrikson said she made everybody in the room</p> <p>17 cower, or whatever. I mean -- and maybe that was</p> <p>18 the other incident.</p> <p>19 But -- but if you just look at the</p> <p>20 specifics, and I would prefer that we just kind of</p> <p>21 dig into the specifics because it's done in my</p> <p>22 report, and I'm -- I'm not -- you know, I don't want</p> <p>23 to get the two incidents confused or be inaccurate</p> <p>24 in my portrayal here. But it's very clear that Dr.</p> <p>25 Henrikson's account is different from some of the</p>
<p style="text-align: right;">247</p> <p>1 you know, you don't need special training to see --</p> <p>2 I mean, let's -- would it -- would it -- I mean, I</p> <p>3 think we just need to go to the specifics. What --</p> <p>4 what Dr. Henrikson said. I don't want to get this</p> <p>5 wrong. So let's see. Where do we have this? I'm</p> <p>6 trying to look through here. These several pages,</p> <p>7 right? It'll take me a little while.</p> <p>8 BY MS. BRADFORD:</p> <p>9 Q. Let me ask you this, Dr. Glick, and then -</p> <p>10 - and then if you find it, please interrupt me and</p> <p>11 feel free to -- to add it in. You just said that</p> <p>12 you don't need special training to determine if --</p> <p>13 if -- you know, essentially, what you're saying, if</p> <p>14 these disparities are clear, if there are</p> <p>15 differences in the accounts.</p> <p>16 So is this an opinion that you're giving</p> <p>17 based on your scientific expertise, or is it your</p> <p>18 personal opinion?</p> <p>19 MR. BRISCHETTO: Objection. Assumes a</p> <p>20 fact not in evidence. Go ahead.</p> <p>21 THE DEPONENT: Okay. Right. So I -- I</p> <p>22 think what -- there's two different things going on</p> <p>23 here, right? One is, if you look at Dr. Henderson's</p> <p>24 account in each of these incidents, he draws</p> <p>25 conclusions or -- or portrays them in a certain way</p>	<p style="text-align: right;">249</p> <p>1 things the eyewitnesses said, and that in some</p> <p>2 cases, he said, "Well, I talked to this person," but</p> <p>3 his account differs, and it differs in a way -- and</p> <p>4 here's the part that comes in about my expertise.</p> <p>5 It differs in a way that is consistent with what the</p> <p>6 research on stereotyping would expect.</p> <p>7 BY MS. BRADFORD:</p> <p>8 Q. So, Dr. Glick, you -- you said a couple of</p> <p>9 times that I -- so that -- "I think that this is the</p> <p>10 case." So I guess what I'm just asking is, when you</p> <p>11 say that, are you giving your personal opinion, or</p> <p>12 are you giving your opinion as an expert in social</p> <p>13 psychology?</p> <p>14 MR. BRISCHETTO: Objection, assumes a fact</p> <p>15 not in evidence. Go ahead.</p> <p>16 THE DEPONENT: What I'm saying that the</p> <p>17 difference is consistent with the possibility that</p> <p>18 Dr. Henrikson applied stereotypes, that is based on</p> <p>19 my expertise in social psychology. When I observe</p> <p>20 that there's a difference, that, to me, is simply</p> <p>21 something that anybody can see, and, you know, that</p> <p>22 that's just evident in the record, okay? I think</p> <p>23 it's -- it's pretty obvious and -- and doesn't</p> <p>24 require special training to see that, you know,</p> <p>25 person A says one thing, and person B says something</p>

<p style="text-align: right;">250</p> <p>1 different. That's -- that doesn't require special 2 training. I'm just pointing those differences out. 3 If the jurors disagree with my 4 characterization of them, that's fine. That's their 5 prerogative. But if they agree that there are these 6 differences, then I'm further pointing out that Dr. 7 Hendrickson's -- the views that he conveyed are 8 consistent with stereotyping. That part is the part 9 that is informed by my expertise. 10 BY MS. BRADFORD: 11 Q. So just to be clear, when you are talking 12 about, for example, whether there are differences in 13 his account from others, things like that, you're 14 saying something you just said, that that's not 15 something that requires special training; you think 16 it's just clear, correct? 17 A. Yes. 18 Q. On pages 65 through 75 of your report, you 19 discuss how three incidents could be consistent with 20 discrimination, offering your interpretations of the 21 evidence that we've -- we've just gone through, 22 correct? And just to be clear, these incidents, as 23 you phrase them, are the Sue Bardon and 24 anesthesiology incident, right? 25 A. Yes.</p>	<p style="text-align: right;">252</p> <p>1 were investigated by HR that conducted a formal 2 investigation, and -- and there's a case where, you 3 know, Ms. Strahm did something well. I -- I think 4 she -- she did seriously investigate these 5 incidents. And she talked to each person. She kept 6 detailed notes. Okay. That --- that's -- that's 7 good procedure, right? 8 And based on that, their own HR department 9 concluded that Dr. Bala had not done anything 10 unprofessional. And it's clear that Dr. Henrikson 11 claims she did. That's the disparity. I -- I just 12 don't think this is -- this is just something that 13 you don't -- you don't -- you don't need to be a 14 weatherman to know which way the wind blows, right? 15 I mean -- 16 Q. Dr. Glick, right now I'm just asking why 17 you picked those incidents. And -- 18 A. Because there's so much -- yes. Because 19 you can -- because the case decision-makers -- 20 because of the investigations. The first two I 21 picked because there were the HR investigations, and 22 so those were the only two HR investigations I'm 23 aware of, of Dr. Bala's behavior. And that was then 24 formal interviews instead of hearsay and gossip and 25 secondhand renderings, right? This was, "Okay.</p>
<p style="text-align: right;">251</p> <p>1 Q. The Matt Holling incident? 2 A. Yes. 3 Q. And then the e-mail to Angela Krebsbach, 4 correct? 5 A. Correct. 6 Q. You give some explanation for this in your 7 report, but I just want to be clear, why did you 8 focus on -- on these three incidents? 9 A. Because like, as I say in the introduction 10 to those three incidents in the report, that there 11 was more evidence here. We talked about this 12 before. You know, right? We don't know what 13 somebody's tone was exactly, right? We can get 14 closer to that when we have multiple people in the 15 room, you know, disagreeing on what that tone was, 16 right, then that -- that suggests that this was 17 somewhat of a subjective perception, right? 18 And in the e-mail case, we have the actual 19 incident itself, right? There's no body language or 20 tone that's relevant. E-mails can have a tone, 21 right? But the jurors can look at that e-mail and 22 say, okay, is this e-mail somehow rude, arrogant, 23 whatever, or -- or insulting or not? They can make 24 an independent incident. So -- so these incidents - 25 - and -- and then because the first two incidents</p>	<p style="text-align: right;">253</p> <p>1 We're going to go and investigate and find out." 2 And she did tend to focus on, well, what actually 3 happened. Not what you think was the intent or 4 anything else like that, what actually happened. 5 I think that was all good procedure, and 6 that gives you a lot of information to go on. 7 That's why I picked those two incidents. The last 8 one it's because the e-mail is the incident, and so 9 case decision-makers can look at that and decide for 10 themselves. 11 Q. So, Dr. Glick, you would agree that there 12 were -- not going into the details of all them, but 13 just you would agree that there were many other 14 complaints about the doctor and her behavior beyond 15 just these three, correct? 16 MR. BRISCHETTO: Objection, calls for 17 speculation. Go ahead. 18 THE DEPONENT: Yeah. I'm -- I -- I agree 19 that there were other complaints, but those other 20 complaints weren't formally investigated, for 21 instance. And so -- 22 BY MS. BRADFORD: 23 Q. I'm just asking if there were others. 24 A. Yes, there were other complaints, right. 25 Yes.</p>

<p style="text-align: right;">254</p> <p>1 Q. And just to be clear, when you selected 2 these three specific incidents to focus on, you did 3 so without reviewing the entire production in this 4 case, correct? 5 A. Well, again, as we talked about, I -- I -- 6 I reviewed a lot -- a heavy load of documents, 7 including -- you know, there was a lot of detail 8 about this in the Strahm deposition, for instance. 9 But again, I did not have the entire universe of 10 documents available. 11 And I do also want to add in response to 12 that earlier query, is that I do talk about the 13 other incidents, but I mentioned that these 14 incidents are worth digging into further because 15 there's more information about them. 16 Q. With regard to the other incidents, the 17 other complaints that were brought against Dr. Bala. 18 If people -- actually, let me just ask this first. 19 Would you agree that those complaints, they were 20 brought by a variety of individuals, ranging from 21 staff to nurses to other physicians to people who 22 didn't even work at OHSU, correct? 23 A. Yes. Again, bias, you know, can occur. 24 Gender biases like this are shared and -- and stem 25 from shared social stereotyping and prescriptions.</p>	<p style="text-align: right;">256</p> <p>1 MS. BRADFORD: Uh-huh. 2 THE DEPONENT: I mean, I may be referring 3 to uninvestigated complaints. I have to think about 4 -- you know, this is -- been a couple of years ago, 5 so I'd have to think about why I use that term, but 6 I think I was maybe -- Let me see. I'd have to read 7 through this again to see for sure, you know, what 8 I'm referring to there. This is several pages long, 9 so -- 10 BY MS. BRADFORD: 11 Q. Let me ask you this, Dr. Glick: Do you 12 plan to tell the jury that any complaints brought 13 against Dr. Bala were unsubstantiated? 14 A. I would define not using that term on the 15 stand, so I don't think it's a necessary term. 16 Q. Dr. Bala has obviously complained that she 17 was discriminated against. Are her complaints 18 substantiated or unsubstantiated? 19 A. Well, as we talked about before, I -- I 20 think, you know, no case is going to be decided by, 21 "Oh, I was discriminated against." 22 "Sure. Here's some money." 23 And I think that -- that -- that the case 24 decision-makers have to weigh the totality of the 25 evidence. That's their job, and to consider these</p>
<p style="text-align: right;">255</p> <p>1 So it's not surprising that they would come from 2 different people. 3 Q. That's a yes to my question? 4 A. I said yes at the beginning, yes. 5 Q. If any of those people who brought those 6 complaints were called to testify at trial under 7 oath, and they sat in front of the jury and they 8 gave the jury detailed descriptions about their 9 interactions with Dr. Bala, do you agree that the 10 jury should carefully consider their testimony? 11 A. Absolutely. I think the jury needs to 12 carefully consider all the facts and different 13 perspectives, but they -- they also need to 14 understand the possibility that it could be biased. 15 Q. On page 85, you refer to unsubstantiated 16 complaints against Dr. Bala. It's in the -- the 17 heading of one of your questions. How did you 18 determine that a complaint was unsubstantiated? 19 A. I have to see what I was talking about in 20 this section. 21 MR. BRISCHETTO: Where are you on page 85? 22 MS. BRADFORD: It's number four. It's the 23 title of number four, bold. 24 MR. BRISCHETTO: Got it. I see it. Thank 25 you.</p>	<p style="text-align: right;">257</p> <p>1 different alternatives. 2 And -- and sure, I think it's commonly 3 understood by jurors that somebody -- and, in fact, 4 we know from the research that people are -- are -- 5 tend to be skeptical of claims of discrimination in 6 the first place. Even when -- even under 7 circumstances that -- that were rigged to indicate 8 that discrimination was likely, people are still 9 skeptical about claims of discrimination. 10 Q. Do you note that anywhere in your report? 11 A. Yeah, I think I do. There's a study where 12 people were told that of the people evaluating this 13 person, several were known to have bias, and -- you 14 know, and then the person is evaluated poorly and 15 later complains that they think they were 16 discriminated against, and people are still -- 17 respond negatively to that person and see them as 18 whining and complaining. 19 So the general tendency is for people to 20 be somewhat skeptical and -- or at least not 21 positive toward people who claim that they were 22 discriminated against. 23 Q. Dr. Glick, on page 87, you note that: OHSU 24 administrators resisted evidence that was more 25 favorable toward Dr. Bala.</p>

<p style="text-align: right;">258</p> <p>1 MS. BRADFORD: And, Mr. Brischetto, I just 2 think that that's the end of the first paragraph on 3 page -- 4 THE DEPONENT: Yeah. And I think what I'm 5 referring to, which I start the next paragraph with, 6 is that you had two HR investigations that -- you 7 know, they were seen as incidents serious enough to 8 investigate, right? 9 BY MS. BRADFORD: 10 Q. But I didn't actually ask you -- let me 11 actually ask my question about it. I was just 12 reading what the language said real quick. 13 So did I read that correctly, that that's 14 what you wrote? 15 A. Oh, did you read it correctly? Okay. Can 16 you just repeat it? 17 Q. Yeah. That case documents suggest that: 18 Multiple OHSU administrators resisted evidence that 19 was more favorable toward Dr. Bala, as well as 20 resisted crediting the possibility of discrimination 21 toward her. 22 Did I read that correctly? 23 A. Yes. Okay. 24 Q. Do you think that something like that -- 25 doing something like that is a problem because you</p>	<p style="text-align: right;">260</p> <p>1 For instance, that backlash tends to 2 target likability, not competence. So that research 3 would be less relevant if it was demeaning Dr. 4 Bala's competence rather than her likability. 5 Q. And, Dr. Glick, I'm not asking if -- if 6 you think you did that in this case. I'm just 7 asking if you think, as an expert, it's important to 8 present not just the evidence or research that's 9 favorable to the person who hired you, but also the 10 relevant evidence or research that is not favorable? 11 A. What I would say is it's important to 12 present the weight of the evidence of the research. 13 So there's always going to be some research that 14 seems contradictory what's the weight of the 15 evidence of the mass of studies. So to present some 16 studies that show -- that -- that don't show an 17 effect when most of the studies do, I think that's 18 simply muddying the waters. Rather, I'm trying to - 19 - to present the consensus. 20 Q. You think it's important to present the 21 weight of the evidence as well, that that -- that 22 those studies relate to? 23 A. That's what I'm saying, yes. 24 Q. Okay. You noted earlier on, I think it 25 was this -- maybe it was this morning, that when you</p>
<p style="text-align: right;">259</p> <p>1 would expect OHSU to -- to look at the whole 2 picture, that it is important that they consider all 3 of the evidence, correct? 4 A. Well, I think, you know, this is -- sort 5 of as a general blanket statement, sure. You should 6 consider, you know, the evidence that is available. 7 Q. Not just the evidence that's bad for her, 8 but also that is good for her, right? 9 A. Sure. 10 Q. And as an expert, would you agree that 11 when you're offering an opinion, it's important for 12 you to do the same? And I can clarify that if you 13 need me to. 14 A. Yeah. I mean, I -- I do try to take the 15 totality of the evidence in the case documents into 16 account. 17 Q. Do you think it's important to present not 18 just the evidence or research that's favorable to 19 the person who hired you, but evidence or research 20 that is not favorable, but relevant, as well? 21 A. Do you have -- I -- I -- I -- I think I 22 have presented the -- the research consensus fairly 23 about when discrimination tends to occur, the forms 24 it tends to take, and the forms it doesn't tend to 25 take.</p>	<p style="text-align: right;">261</p> <p>1 were reviewing this case, you had sort of started to 2 pull in what you thought were, like, the relevant 3 documents to work off of, maybe a PDF or something 4 like that; is that right? 5 A. Yeah, I think I -- I did that, but I 6 haven't looked on my computer to see what I have. 7 This was a long time ago. 8 Q. Did you save that? 9 A. I -- it might be on my computer. 10 Q. Okay. Did you take any notes during -- 11 during this deposition? 12 A. No, I did not. 13 Q. And beyond that document, PDF, or whatever 14 form it might be in on your computer, is it accurate 15 -- I think you said that you don't have any other 16 notes from this case that you took? 17 A. Again, I'd have to check my computer files 18 to see what I have, but, you know, I usually -- when 19 I'm writing my report, I edit the same version. I 20 don't try to keep multiple versions, which can be 21 confusing. And, yeah, I'm not sure what else I 22 might have in terms of notes. 23 Q. And just to be clear, Dr. Glick, I'm 24 talking about things that are different from draft 25 opinions or anything like that. Just focusing on if</p>

<p style="text-align: right;">262</p> <p>1 you had notes or anything detailing the specific 2 documents that you were relying on, things like 3 that. 4 A. I can't -- I can't exactly recall, so -- 5 Q. And we have -- we'll talk with Mr. 6 Brischetto about that. 7 MS. BRADFORD: But again, Mr. Brischetto, 8 I'm not asking for any of his draft reports, but we 9 are going to ask if he can go through and look and 10 see if he has any of that information so that it can 11 be produced to us. 12 And so with that, we're going to hold the 13 deposition open, but I don't have any other 14 questions at this time. 15 MR. BRISCHETTO: Yeah, we don't agree to 16 hold the deposition open. And, you know, it's our 17 position you've been given all documents you're 18 entitled to. 19 And so thank you very much. I have no 20 questions. 21 THE VIDEOGRAPHER: Okay. Before we go off 22 the record, Counsel, our court reporter will take 23 orders for the transcript. 24 THE REPORTER: Ms. Bradford, would you 25 like to order the original?</p>	<p style="text-align: right;">264</p> <p style="text-align: center;">CERTIFICATE OF VIDEOGRAPHER</p> <p>1 2 3 I the undersigned, Vincent Guerrero, am a videographer 4 on behalf of NAEGELI Deposition & Trial. I do hereby 5 certify that I have accurately made the video recording of 6 the deposition of Peter Glick, PHD, in the above captioned 7 matter on the 10th day of January, 2024, taken at the 8 location of 4941 Rivermoor Drive Omro, WI 54963. 9 10 No alterations, additions or deletions were made 11 thereto. 12 13 I further certify that I am not related to any of 14 these parties in the matter and I have no financial 15 interest in the outcome of this matter. 16 17 18 Vincent Guerrero 19 Videographer 20 21 22 23 24 25</p>
<p style="text-align: right;">263</p> <p>1 MS. BRADFORD: Yes, please. 2 THE REPORTER: And, Mr. Brischetto, would 3 you like to order a copy? 4 MR. BRISCHETTO: I would. 5 THE VIDEOGRAPHER: Okay. And, Mr. 6 Brischetto, Ms. Bradford will be getting today's 7 video deposition included in her fee. Would you 8 like a copy of today's video deposition? 9 MR. BRISCHETTO: I would. 10 THE VIDEOGRAPHER: All right. Perfect. 11 All right. The time is 5:05 p.m., and we 12 are off the record. 13 (WHEREUPON, the deposition of PETER GLICK 14 was concluded at 5:05 p.m.) 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">265</p> <p style="text-align: center;">CERTIFICATE</p> <p>1 2 3 I, Michelle Byrd, do hereby certify that I reported 4 all proceedings adduced in the foregoing matter and that 5 the foregoing transcript pages constitutes a full, true 6 and accurate record of said proceedings to the best of my 7 ability. 8 9 I further certify that I am neither related 10 to counsel or any party to the proceedings nor have any 11 interest in the outcome of the proceedings. 12 13 IN WITNESS HEREOF, I have hereunto set my hand this 14 24th day of January, 2024. 15 16 17 18 19 20 /S/ Michelle Byrd 21 22 23 24 25</p>

<p style="text-align: right;">266</p> <p>1 CORRECTION SHEET</p> <p>2 Deposition of: Peter Glick, PHD Date: 01/10/24</p> <p>3 Regarding: Rupa Bala, MD vs. OHSU</p> <p>4 Reporter: Byrd/Hernandez</p> <p>5 _____</p> <p>6 Please make all corrections, changes or clarifications</p> <p>7 to your testimony on this sheet, showing page and line</p> <p>8 number. If there are no changes, write "none" across</p> <p>9 the page. Sign this sheet on the line provided.</p> <p>10 Page Line Reason for Change</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Signature _____</p> <p>25 Peter Glick, PHD</p>	
<p style="text-align: right;">267</p> <p>1 DECLARATION</p> <p>2 Deposition of: Peter Glick, PHD Date: 01/10/24</p> <p>3 Regarding: Rupa Bala, MD vs. OHSU</p> <p>4 Reporter: Byrd/Hernandez</p> <p>5 _____</p> <p>6 _____</p> <p>7 I declare under penalty of perjury the following to</p> <p>8 be true:</p> <p>9 _____</p> <p>10 I have read my deposition and the same is true and</p> <p>11 accurate save and except for any corrections as made</p> <p>12 by me on the Correction Page herein.</p> <p>13 _____</p> <p>14 Signed at _____,</p> <p>15 on the _____ day of _____, 2024.</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Signature _____</p> <p>25 Peter Glick, PHD</p>	

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